

TESTIMONY OF WITNESSES

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HEARINGS  
BEFORE THE  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE  
COMMITTEE ON THE JUDICIARY TO INVESTIGATE  
WHETHER SUFFICIENT GROUNDS EXIST FOR THE  
HOUSE OF REPRESENTATIVES TO EXERCISE ITS  
CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON  
PRESIDENT OF THE UNITED STATES OF AMERICA

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BOOK II

WILLIAM O. BITTMAN, JOHN N. MITCHELL, AND JOHN W. DEAN III

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JULY 9, 10, 11, 1974



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# IMPEACHMENT INQUIRY

TUESDAY, JULY 9, 1974

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The committee met, pursuant to notice, at 10 a.m., in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman) presiding.

Present: Representatives Rodino (presiding), Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eliberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson, McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne, Hogan, Butler, Cohen, Lott, Froehlich, Moorhead, Maraziti and Latta.

Impeachment inquiry staff present: John Doar, special counsel; Albert E. Jenner, Jr., minority counsel; Samuel Garrison III, deputy minority counsel; and Bernard Nussbaum, counsel.

Committee staff present: Jerome M. Zeifman, general counsel; Garner J. Cline, associate general counsel, Alan A. Parker, counsel; Daniel L. Cohen, counsel; William P. Dixon, counsel; Arden B. Schell, counsel; Franklin G. Polk, associate counsel; Thomas E. Mooney, associate counsel; Michael W. Blommer, associate counsel.

Also present: James D. St. Clair, special counsel to the President; John A. McCahill, assistant special counsel; and Malcolm J. Howard, assistant special counsel.

The CHAIRMAN. The hearing will come to order.

Before calling on the witness to stand and take the oath, I have several announcements to make.

[Material unrelated to testimony of witness deleted.]

The CHAIRMAN. Mr. Bittman, will you please stand and—you have the right to remain silent and not provide any testimony or information which may tend to incriminate you, but if you do testify, anything you say here may be used against you in any other legal proceeding. You have the right to consult with an attorney prior to answering any question or questions.

I understand you prefer not to be represented by an attorney. Is that correct?

Mr. BITTMAN. That is correct.

The CHAIRMAN. You have been provided, I understand, with a copy of the rules of the House and the rules of the committee.

Mr. BITTMAN. Yes, Mr. Chairman.

The CHAIRMAN. Mr. Bittman, will you kindly raise your right hand?

Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BITTMAN. I do.

The CHAIRMAN. Will you kindly give your name and please be seated?

### TESTIMONY OF WILLIAM O. BITTMAN

Mr. BITTMAN. My name is William O. Bittman, B-i-t-t-m-a-n. I am an attorney practicing law at 1200 18th Street NW., Washington, D.C.

Mr. JENNER. Mr. Chairman.

[Material unrelated to testimony of witness deleted.]

The CHAIRMAN. Mr. Doar.

Mr. DOAR. Mr. Bittman, if you would speak up in a loud, clear voice so that everyone in the committee room can hear you, I would appreciate it.

Would you briefly outline for the committee members your background and experience as a lawyer?

Mr. BITTMAN. I graduated from De Paul Law School in Chicago, Ill., in 1959. After graduation, I entered the U.S. Attorney's office in Chicago, Ill., as an Assistant U.S. Attorney. I was a trial lawyer there for approximately 5 years.

In December of 1964, I was requested to transfer to the Justice Department in Washington, D.C., and became a Special Trial Attorney, which I did.

I resigned from the Justice Department on June 1, 1967, became a partner in the law firm of Hogan & Hartson in Washington, D.C., at that time.

On June 30th of this year, I resigned from the law firm of Hogan & Hartson and became a partner in the law firm of Pierson, Ball, & Dowd at 1200 18th Street NW.

Subsequent to my graduation from law school, I have engaged in the practice of law as a trial attorney. I was a prosecutor for approximately 8 years and since entering the private practice of law, I have continued being a trial attorney, have devoted approximately 75 to 80 percent of my time in the civil practice of trial litigation, and the rest of the time in criminal cases.

Mr. DOAR. Now, when you first went to work for the Department of Justice, was that in Chicago or in Washington?

Mr. BITTMAN. That was in Chicago, Ill., Mr. Doar.

Mr. DOAR. And what year was that?

Mr. BITTMAN. I believe 1959 or early 1960.

Mr. DOAR. So then you worked in the U.S. Attorney's office in Chicago for about 4 years?

Mr. BITTMAN. I think it was closer to 5 years. I left there in December of 1964 to transfer to Washington, D.C., at the Justice Department.

Mr. DOAR. Could you give the committee members the nature of the cases that you handled while you were with the U.S. Attorney's office in Chicago?

Mr. BITTMAN. Well, I tried approximately 100 cases while I was Assistant U.S. Attorney. In the early years, they were relatively simple cases; in later years, I was involved principally in protracted criminal

investigation such as tax evasion cases, securities fraud, mail fraud, pension fraud, and things of that nature.

Mr. DOAR. Would it be fair to say that based upon that experience, you had a clear understanding of how the Federal Bureau of Investigation operated?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. In criminal matters, in the investigation of criminal matters?

Mr. BITTMAN. In many of those cases, I worked very closely with the FBI.

Mr. DOAR. Now, did you, prior to the time that you came to Washington, can you tell the committee whether or not you handled the prosecution, one of the prosecutions, against Mr. Hoffa?

Mr. BITTMAN. I did. I was the Government's Chief Trial Attorney in the prosecution of James Hoffa that took place in Chicago in the late spring and summer of 1964.

Mr. DOAR. Is it fair to say that that was a complicated, protracted piece of criminal litigation?

Mr. BITTMAN. It was a 13-week trial, Mr. Doar, at which approximately 150 witnesses testified, approximately 1,500 exhibits—excuse me, 15,000 exhibits were entered in evidence. It was a complicated piece of litigation.

Mr. DOAR. Who was your immediate supervisor when you came to work in the Department of Justice?

Mr. BITTMAN. You mean in Washington or in Chicago?

Mr. DOAR. No, when you came to Washington.

Mr. BITTMAN. It would be Herbert J. Miller, Jr., who was Chief of the Criminal Division.

Mr. DOAR. When you say Chief of the Criminal Division, you mean Assistant Attorney General in charge of the Criminal Division?

Mr. BITTMAN. That is correct.

Mr. DOAR. And you reported directly to him?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. What was your designation or title?

Mr. BITTMAN. I was a special trial counsel and I was in charge of the prosecution of Robert G. Baker.

Mr. DOAR. At the present time, Mr. Miller is representing you; is that correct?

Mr. BITTMAN. From time to time, in selected matters, I have consulted with him, yes, sir.

Mr. DOAR. Now, in the course of your prosecutions for the Justice Department here in Washington, can you tell the committee whether or not you became familiar with the operation of the U.S. attorney's office here in the District?

Mr. BITTMAN. Well, I have handled matters with the U.S. attorney's office in the District of Columbia. When I was the chief prosecutor in the Bobby Baker case, I had an office in the U.S. attorney's office for approximately 6 months. So I believe I am familiar with the workings of that office, or was at that time.

Mr. DOAR. And is it fair to say that you are likewise experienced and knowledgeable about the operations of Federal criminal grand juries?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Now, as I understand it, you left the Department of Justice, you resigned at the end of 1967?

Mr. BITTMAN. I believe it was June 1, 1967.

Mr. DOAR. June 1, and thereafter, you immediately became a partner in the firm of Hogan and Hartson?

Mr. BITTMAN. That is correct; yes, sir.

Mr. DOAR. And that is a firm here in Washington?

Mr. BITTMAN. Yes; it is.

Mr. DOAR. How large a firm is that?

Mr. BITTMAN. At the present time, it is approximately 100 lawyers. At the time I joined it, it was closer to 40.

Mr. DOAR. And about how many partners are members of that firm?

Mr. BITTMAN. At the present time, there are approximately 40 partners.

Mr. DOAR. And you were one of them?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Or you became one of them?

Mr. BITTMAN. I became a partner at the time I joined the law firm.

Mr. DOAR. Can you briefly describe the type of matters that you handled as a partner for Hogan and Hartson, up to and including the first of July 1972?

Mr. BITTMAN. As I said earlier, most of the legal work that I perform involves protracted civil litigation. From time to time, I have also been involved in certain criminal litigation.

Mr. DOAR. So that protracted litigation involves pretrial discovery, pretrial motions?

Mr. BITTMAN. Well, it involves all facets of the trial practice, from the filing of a complaint to pretrial motions that are filed, discovery motions, numerous conferences among counsel, hearings before courts, and the trials themselves.

Mr. DOAR. Did that include the investigation of matters that were assigned for trial?

Mr. BITTMAN. Well, in civil practice, of course, most of the investigation is done through civil discovery. The representation of an individual charged with a crime, from time to time, you would engage outside investigators to assist you.

Mr. DOAR. And what was the practice, your practice at Hogan and Hartson, with respect to the employment of outside investigators to assist you in the investigation of cases that came to you from persons who faced charges or possible charges involving illegal criminal activity?

Mr. BITTMAN. If I felt it was necessary, I would make the decision and I would retain the investigator and the investigation would be done.

Mr. DOAR. Did you do any of the investigation yourself?

Mr. BITTMAN. Well, I would interview a number of witnesses, so in that connection, I guess you could say that I was engaged in investigation, but that would normally be the extent of it. I would examine documents, interview witnesses, and things of that nature.

Mr. DOAR. Shortly after July 1, I would like to ask you whether or not you were retained by Howard Hunt as his lawyer?



Mr. BITTMAN. On July 3, 1972, I was retained by Mr. and Mrs. Hunt.

Mr. DOAR. And had you met them before?

Mr. BITTMAN. I had not.

Mr. DOAR. What was the purpose of your retainer?

Mr. BITTMAN. To represent him in connection with any possible criminal proceedings or civil litigation in which he or his wife might be involved.

Mr. DOAR. Now, you have, I assume you had a conversation with Mr. Hunt at the time that you were initially retained?

Mr. BITTMAN. Yes, I did. He and Mrs. Hunt came to my home on the evening of July 3, 1972, and asked me to represent them.

Mr. DOAR. And are you representing Mr. Hunt at the present time?

Mr. BITTMAN. I am not.

Mr. DOAR. Could you tell the committee who is representing him?

Mr. BITTMAN. There are two attorneys that are presently representing Mr. Hunt: C. Dickerman Williams from New York City, and William Snyder, Jr., from Baltimore. That's S-n-y-d-e-r.

Mr. DOAR. When did you cease representing Mr. Hunt?

Mr. BITTMAN. I believe it was approximately in the middle of August of 1973.

Mr. DOAR. In my conferences with you, you have indicated to me that there are certain matters that you feel that you cannot go into because of the attorney-client privilege; is that correct?

Mr. BITTMAN. I might emphasize, Mr. Doar, it is only because of the attorney-client privilege. I have been informed by Mr. Hunt's attorney in the past that Mr. Hunt will not waive the attorney-client privilege with respect to my representation of him and I called Mr. Snyder in Baltimore yesterday to verify that. He unequivocally again stated the position that Mr. Hunt would not waive the attorney-client privilege. That is the only prohibition that I have from answering any questions of this committee and if it was up to me, I would be more than happy to answer all questions. But I believe that I have to observe the attorney-client privilege with respect to conversations that I have had with Mr. Hunt.

And I might add that there is a case pending in the court of appeals involving Mr. Hunt which was argued before the U.S. Court of Appeals approximately 3 weeks ago, in which Mr. Hunt has sought withdraw his plea of guilty which was previously entered on January 11, 1973, and in addition to that pending case, there are several civil matters in which Mr. Hunt is a defendant.

Mr. DOAR. The retainer that you mentioned to the committee, was that oral or in writing?

Mr. BITTMAN. The first evening that I met Mr. Hunt, it was oral. It was subsequently confirmed in writing on July 10, 1972.

Mr. DOAR. Was any money paid to you at that time by Mr. Hunt?

Mr. BITTMAN. Yes, sir; he paid me a fee of \$100,000 in cash.

Mr. DOAR. That was paid to you in cash?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. And subsequent to your being retained by Mr. Hunt, can you tell me whether or not, shortly thereafter, you had a meeting with attorneys, Mr. Parkinson and Mr. O'Brien and Mr. Mardian, with respect to your representation?

Mr. BITTMAN. I did. I had a meeting with Mr. Robert Mardian, Kenneth Parkinson, Paul O'Brien, Thomas Jackson, and Austin Mittler, a partner of mine, on July 6, 1972, at Mr. Mardian's office at the CRP.

Mr. DOAR. What was the purpose of that meeting?

Mr. BITTMAN. The purpose of the meeting was to determine the status of the civil case which was then pending, filed by the Democratic Party against the Republican Party and several individual defendants, to inform them that I was representing Mr. Hunt, and to find out what, if any, knowledge they had with respect to the break-in of Mr. Hunt's safe at his office No. 338 in the EOB.

Mr. DOAR. When you say EOB, you mean the Executive Office Building at the White House?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Or next to the White House?

Mr. BITTMAN. That is correct.

Mr. DOAR. What information, if any, did you get from Mr. Mardian about the break-in of your client's safe at the room 338 at the Executive Office Building?

Mr. BITTMAN. I was informed that Mr. Mardian—I was informed by Mr. Mardian that he did not have any specific knowledge of the Watergate case itself and that he had no specific knowledge of the break-in of Mr. Hunt's safe. I asked him whether or not he knew whether or not a search warrant had been utilized in the break-in of the safe. He indicated to me that he did not know and that he would endeavor to find out for me. I discussed the fact that certain personal items that had been taken from the safe had been utilized by the FBI in its investigation and interrogation of Mrs. Hunt and I told him in rather strong terms that I was very concerned about the propriety of the FBI using personal letters, which could not conceivably have any relevancy in the Watergate case, to upset Mrs. Hunt. And I asked him to endeavor to find out, if he could, if he was willing to, whatever facts he could ascertain concerning them.

Mr. DOAR. Did Mr. Mardian give you any indication that he had any kind of a connection or an association or relationship with the White House?

Mr. BITTMAN. No, sir, he told me that he had recently been retained as general counsel of the CRP, and I was aware, of course, that he formerly was the Assistant Attorney General in charge of the Internal Security Division of the Justice Department.

Mr. DOAR. Did Mr. Mardian give you any indication of the relationship between the Committee To Re-Elect the President and the White House or the officials in the White House?

Mr. BITTMAN. Not that I can recall.

Mr. DOAR. What, if anything, else—now, with respect to Mr. Hunt's safe, can I ask you whether or not you made any inquiries at the White House with any officials at the White House with respect to the alleged break-in of Mr. Hunt's safe?

Mr. BITTMAN. The first discussion I had with any White House official concerning the break-in of Mr. Hunt's safe was with Charles Colson on January 3, 1973.

Mr. DOAR. And the meeting that you have told us about with Mr. Mardian occurred on July 6, 1972?

Mr. BITTMAN. Well, he was not an official of the White House, Mr. Doar.

Mr. DOAR. I understand that, but between July 6, 1972, and January 3, 1973, you had no discussions with anyone at the White House with respect to the break-in of your client's safe?

Mr. BITTMAN. That is correct, but I did have numerous conversations with other people.

Mr. DOAR. Well, other people—could you give us who those other people were?

Mr. BITTMAN. Well, the principal conversations that I had were with the Prosecutor—Mr. Earl Silbert, Donald Campbell, and Mr. Seymour Glanzer. I had numerous discussions with them concerning the break-in of the White House, and I might say they were very uncooperative with me. They would not even tell me if a search warrant had been issued. They would not indicate to me any of the various aspects of the break-in. It was not until the time that I filed a motion to suppress in the court, approximately October of 1972, and the Government responded to that motion to suppress, was I aware of some details of the break-in.

Mr. DOAR. But is it fair to say that following your meeting with Mr. Mardian, where you inquired about the break-in, that you made no investigation, no inquiries at the White House with respect to the break-in of the safe?

Mr. BITTMAN. That is correct.

Mr. DOAR. And did you make any attempt during the month of July to contact Mr. Colson?

Mr. BITTMAN. No, sir, I did not. I did draft a letter to Mr. Colson in the latter part of July of 1972, asking certain specific questions concerning the break-in of Mr. Hunt's safe. Before I sent that letter, I had a discussion with Kenneth Parkinson and Paul O'Brien, the attorneys for the CRP, and they told me that they were aware of the interest that I had in that and they told me that they would endeavor to determine the information for me.

Mr. DOAR. You had told them that you had drafted the letter to Mr. Colson?

Mr. BITTMAN. I did. I might even have shown them a draft.

Mr. DOAR. And it was satisfactory to you that Mr. Parkinson and Mr. O'Brien conduct this investigation for you?

Mr. BITTMAN. Well, they weren't conducting an investigation for me, they were attempting to ascertain information for me that I felt was relevant on behalf of my client.

Mr. DOAR. I see.

Mr. BITTMAN. And I was interested in getting the information in any way that I could.

Mr. DOAR. Now, did you at that meeting on July 6—let me strike that.

Was there a discussion at the meeting on July 6 about a man named Mr. Rivers?

Mr. BITTMAN. Yes; there was.

Mr. DOAR. Could you tell the committee what was that discussion?

Mr. BITTMAN. Earlier that day, I had received what I considered to be at the time a most peculiar telephone call from a man who identi-

fied himself as either Mr. Rivers or Mr. John Rivers, in which he mentioned terms such as "the writer," "the writer's wife," "what's the script going to cost," things of that nature. Because of my experience in the past representing clients, affluent clients in certain cases in which blackmail attempts had been made, I hung up on him and would not talk to him.

At the meeting that I had with Mr. Mardian—I might add here for completeness that this is the first time that I had ever had a discussion with Mr. Mardian, Mr. Parkinson, and Mr. O'Brien in my life. I might have met Mr. Mardian once to say hello to him, but I did not know these individuals.

In any event, during the course of that conversation, either Mr. O'Brien or myself alluded to a peculiar telephone call that we had received from Mr. Rivers. I do not specifically recall whether Mr. O'Brien mentioned it first or I mentioned it first, but that conversation was alluded to during my meeting on July 6.

MR. DOAR. And you related, then, the fact that you had had the call the night before?

MR. BITTMAN. No; I believe it was that morning that I received the call.

MR. DOAR. Excuse me, that morning.

MR. BITTMAN. Yes, sir.

MR. DOAR. What, if anything, was said by the other participants in that meeting about this particular subject?

MR. BITTMAN. There was not much discussion at all. It is just that there was mentioned about the peculiarity of these strange telephone calls, and it seemed rather coincidental that Mr. O'Brien had also received one, as well as myself.

MR. DOAR. At that meeting, did you indicate to Mr. Mardian and Mr. Parkinson and Mr. O'Brien who you understood Mr. Hunt was employed by?

MR. BITTMAN. I indicated at that meeting that I understood that Mr. Hunt was working for Mr. Liddy.

MR. DOAR. Did you indicate who you understood Mr. Liddy was working for?

MR. BITTMAN. No, sir, I didn't know.

MR. DOAR. Did Mr. Mardian or Mr. Parkinson indicate who Mr.—that they knew Mr. Liddy?

MR. BITTMAN. Well, in view of the fact that Mr. Liddy's name, I believe, had been in the paper—I am not even sure about that—I am sure they indicated to me that they knew who Mr. Liddy was. Mr. Liddy had been the general counsel of the Finance Committee to Re-Elect the President, so they certainly knew who he was.

MR. DOAR. Well, are you telling the committee that they did or did not acknowledge that Mr. Liddy was an employee of the Committee to Re-Elect the President or the Finance Committee?

MR. BITTMAN. I don't recall anything specifically being mentioned, but I am sure as I can be that they acknowledged that they knew who Mr. Liddy was.

MR. DOAR. Now, later that day, did you receive a call from Mr. Parkinson with respect to Mr. Rivers?

MR. BITTMAN. Yes, sir, I did.

Mr. DOAR. Will you tell the members of the committee the substance of that call?

Mr. BITTMAN. Well, as I recall, it was a telephone call to my home that evening of July 6, 1972. It was a very short telephone call in which Mr. Parkinson told me that Mr. Rivers, in substance, was OK to talk to.

Mr. DOAR. Mr. Parkinson being the same Mr. Parkinson that was at the meeting with Mr. Mardian and Mr. O'Brien—

Mr. BITTMAN. Yes, sir, that is correct. I had been informed at that time that Mr. Parkinson and Mr. O'Brien had been retained by the CRP to represent it in connection with the civil cases that had been filed by the Democratic Party. And I might say both of them, to my knowledge, even though I had not met them before, had excellent reputations, and to my knowledge, still do.

Mr. DOAR. So that Mr. Parkinson told you that it was OK to talk to Rivers?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. What did you conclude that that meant? As an experienced lawyer?

Mr. BITTMAN. Well, experience was not very helpful with the uniqueness of some of these events that transpired, I don't—because some of them were very unusual.

In analyzing the initial conversation that I had with Mr. Rivers, in which he mentioned "What's the script going to cost," the fact that Mr. Parkinson told me it is OK to talk to Mr. Rivers, I will have to speculate here, but the thought certainly could have entered my mind that this was a representative of a defense fund that was contacting me to find out what my legal retainer would be.

I am speculating that that thought went through my mind at the time.

Mr. DOAR. Had anything been said about a defense fund?

Mr. BITTMAN. I had a conversation with my client. There were other events that had taken place which I was aware of.

Mr. DOAR. Had there been any publicity about a defense fund?

Mr. BITTMAN. Not that I know of.

Mr. DOAR. And did Mr. Rivers call you that night?

Mr. BITTMAN. I believe he did, yes, sir.

Mr. DOAR. When he called you, did he say anything about a defense fund?

Mr. BITTMAN. No, sir.

Mr. DOAR. What did he say?

Mr. BITTMAN. I don't recall exactly what language he used, but the essence of it was what I would want as a retainer in connection with the case. And either at that conversation or during that conversation or at a later conversation, I indicated to him that I thought a \$25,000 retainer would be appropriate.

Mr. DOAR. And did you know at that time who Mr. Rivers had been referring to in his earlier conversation when he referred to "the writer"?

Mr. BITTMAN. Well, since Mr. Hunt has written many books, I am sure I speculated that when he was referring to the writer, he was referring to Mr. Hunt.

Mr. DOAR. And the writer's wife, then, was Mrs. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. And what the script would cost—did you—

Mr. BITTMAN. In interpolating what that meant, I, after Mr. Parkinson called me, I interpreted that to mean what legal fees I felt would be appropriate.

Mr. DOAR. Was this \$25,000 retainer paid?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. And how was it paid?

Mr. BITTMAN. I received a telephone call in the middle of the afternoon on July 7 at my office. I was told by Mr. Rivers that he had an envelope downstairs in the lobby on top of the telephone books, could I come down and pick it up.

Mr. DOAR. Let me ask you there, in connection with your work as an attorney, had you ever received, in your practice, a payment of a retainer or attorney's fees in that fashion that time?

Mr. BITTMAN. I had received retainers in cash before.

Mr. DOAR. That isn't the question I asked you, Mr. Bittman. I asked you if you had ever received a retainer in that fashion before.

Mr. BITTMAN. No, sir.

Mr. DOAR. And describe—as I understand your testimony to be, Mr. Rivers said that there would be an envelope downstairs for you to pick up?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. And did he tell you where the envelope would be?

Mr. BITTMAN. On top of the telephone books.

Mr. DOAR. And what floor—

Mr. BITTMAN. The phones which were immediately outside the elevator bank.

Mr. DOAR. And what floor is your office on?

Mr. BITTMAN. The sixth floor.

Mr. DOAR. Did he ask you to identify yourself in any way?

Mr. BITTMAN. No, sir.

Mr. DOAR. Did he give you any instructions about how to go down and pick up the money?

Mr. BITTMAN. No, sir.

Mr. DOAR. And what did you say to him?

Mr. BITTMAN. I told him I would be down to pick up the envelope.

Mr. DOAR. And what did you do?

Mr. BITTMAN. I went down and picked up the envelope.

Mr. DOAR. Was anybody there?

Mr. BITTMAN. I did not see anybody.

Mr. DOAR. And was the envelope sealed or unsealed?

Mr. BITTMAN. It was sealed.

Mr. DOAR. Was the envelope—did it have any writing on it?

Mr. BITTMAN. Not that I can recall.

Mr. DOAR. Were there any other people in the lobby of your office building at that time?

Mr. BITTMAN. I don't recall seeing anybody there at the time, Mr. Doar.

Mr. DOAR. How long a time would you say elapsed from the time you got the call from Mr. Rivers until you went down to the lobby of your building and picked up this envelope?

Mr. BITTMAN. I am sure it was within a matter of minutes.

Mr. DOAR. What, then, did you do with this money?

Mr. BITTMAN. I took it back to my office and opened it.

Mr. DOAR. What did you find?

Mr. BITTMAN. I found \$25,000 in cash.

Mr. DOAR. What kind of bills?

Mr. BITTMAN. Principally hundred dollar bills and I do have a recollection of some \$50 bills.

Mr. DOAR. New bills or old bills?

Mr. BITTMAN. Old bills.

Mr. DOAR. And what did you do with this money?

Mr. BITTMAN. Well, my secretary and I counted it. I then called a member of my law firm's executive committee and explained the circumstances of the unusual receipt of this money to him. We then called the office manager, because it was late in the day on Friday, and asked him to immediately go to Riggs Bank to deposit it into a special account. I then had a meeting with my firm's executive committee concerning the circumstances of the receipt of the money and the way in which it was delivered.

Mr. DOAR. Now, did you continue to represent Mr. Hunt in connection with various matters throughout the months of July, August, September, October 1972?

Mr. BITTMAN. Yes, sir. There were numerous activities on a daily basis that involved Mr. Hunt and his wife in both the criminal case and the civil case.

Mr. DOAR. And is it fair to say that you conferred with the counsel for the Committee to Re-Elect the President in connection with civil suits in which both Mr. Hunt was a defendant and the Committee to Re-Elect the President was a defendant?

Mr. BITTMAN. Yes, sir. I had numerous such conferences.

Mr. DOAR. And did you participate actively in the defense of those cases?

Mr. BITTMAN. Yes, I did.

Mr. DOAR. And did you keep records of the time you spent on this retainer, on this particular assignment that you had in representing Mr. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Did you receive—you received further payment for your services, is that fair to say?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Could you briefly indicate to the committee just what was your or your firm's total fees for representing Mr. Hunt and for what period of time?

Mr. BITTMAN. Through the end of March 1973, my firm was paid \$156,000 and if my recollection is correct, we had approximately 3,600 hours in connection with representation of Mr. and Mrs. Hunt in criminal and civil cases.

Mr. DOAR. How was this money.

Mr. BITTMAN. \$110,000 was paid to the firm by check and \$46,000 was paid in cash.

Mr. DOAR. Now, you have told us about \$26,000 having been paid in cash. Could you relate to the committee how the other \$20,000 was paid in cash?

Mr. BITTMAN. Yes, sir. If my recollection is correct, on October 13, 1972, I received a telephone call at my office. He asked if I would be there. I indicated to the caller that I would be. It is my recollection that the call was from Mr. Rivers, although I understand from subsequent testimony that it was a man who identified himself as Mr. Baker. I don't have a clear recollection who it was.

I was told that an envelope would be delivered to the sixth floor receptionist and would I give that envelope to Mr. Hunt and I indicated that I would. I received a telephone call from the receptionist indicating to me that an envelope had been turned over to her. She delivered it to me. I called Mr. Hunt, who either made a special trip downtown or, in connection with another pending matter, was going to come downtown; I just don't recall.

He came to my office. I gave him the sealed envelope. He opened the envelope in my presence. It contained \$20,000 in cash. He and I counted the money.

Mr. DOAR. New bills or old bills?

Mr. BITTMAN. Old bills. He then turned the money over to me and told me to apply it to his attorney's fees. I then called the office manager, gave the money to him, and told him to deposit it into the firm account.

Mr. DOAR. Now, when Mr. Rivers or Mr. Baker called you and spoke to you about the delivery of moneys to you for attorney's fees, can you tell me whether or not they indicated on either occasion, Mr. Rivers on the first, Mr. Baker on the second, what the source of those funds were?

Mr. BITTMAN. No, sir.

Mr. DOAR. And did you ask what the source of the funds were?

Mr. BITTMAN. I did not.

Mr. DOAR. When you met with your managing partner on July 6 and gave him the \$25,000—

Mr. BITTMAN. It was on July 8.

Mr. DOAR. Excuse me, on July 7, did you indicate to him the source of the funds?

Mr. BITTMAN. I indicated to my firm's entire executive committee that it was my opinion that the money was coming from a defense fund that was set up by prominent Republicans, and that was my feeling at that time, and that continued to be my feeling until various witnesses testified before the Senate Watergate Committee.

Mr. DOAR. And what was the basis of that feeling?

Mr. BITTMAN. Well, there were several bases to that feeling. No. 1, at the time that I was retained to represent Mr. Hunt I had been recommended by a prominent lawyer from Los Angeles, and most of the legal work that I perform is based on referral by major law firms, that F. L. Bailey's firm had already been involved in the case on behalf of Mr. McCord, Mr. Henry Rothblatt from New York City had already been retained to represent the Cuban Americans, and certainly this seemed to be rather unusual legal talent to represent individuals in this kind of a case.

In addition, because of the enormous publicity that surrounded the filing of the lawsuit by the Democrats against the Republicans, and



the fact that it had become a major campaign issue, and based on conversations with my client, it seemed imminently reasonable to me that this money emanated from a defense fund.

Mr. DOAR. Were you aware or did you know of any publicity to the effect that there was a defense fund organized to provide attorneys' fees for your client?

Mr. BITTMAN. No, sir.

Mr. DOAR. And can you tell me whether you had seen or anybody had told you about the existence of such a defense fund?

Mr. BITTMAN. I had conversation with my client. Other than that I do not recall anybody indicating to me that such a defense fund existed. This was my feeling based on the circumstances that I was aware of at the time.

Mr. DOAR. Can you tell me whether it occurred to you or not that this defense fund might be the Committee To Re-Elect the President?

Mr. BITTMAN. I had discussion with my partners, Mr. Doar, about that possibility. And I might say that after discussing it in detail, the thought of this money coming from either the White House or the CRP appeared to us to be preposterous in view of the reporting requirements that the CRP had, and that the amounts paid would have to be reported, and in view of the numerous public statements that the White House and the CRP had issued about the fact that they had no knowledge and no involvement in the Watergate case.

It just seemed to be preposterous that this money could possibly have come from either of those sources.

Mr. DOAR. But did you make any inquiry from Mr. Parkinson as to the source of the funds?

Mr. BITTMAN. I did not.

Mr. DOAR. Did you make any inquiry from Mr. O'Brien as to the source of the funds?

Mr. BITTMAN. I did not.

Mr. DOAR. Did you make any inquiry of Mr. Mardian as to the source of the funds?

Mr. BITTMAN. I only had one conversation with Mr. Mardian and legal fees were not discussed.

Mr. DOAR. You knew at that time, and you have told us that your client knew Charles Colson?

Mr. BITTMAN. Yes, sir. I was informed that he had been hired by Mr. Colson.

Mr. DOAR. Did you make any inquiries of Mr. Colson as to the source of these funds?

Mr. BITTMAN. No, sir. The first time I spoke with Mr. Colson in my life was on December 9, 1972, and that related to the death of Dorothy Hunt on December 8, 1972, a crash of a United Airlines flight into Chicago. I called Mr. Colson's office on December 9 knowing that he had been a close friend of the family and indicated to his secretary that I thought Mr. Colson would want to be informed of that information.

Mr. Colson returned the call and indicated the condolences of a close friend. Also he expressed concern that Mr. Hunt might commit suicide, and that is the first time I have ever spoken with Mr. Charles Colson in my life.

Mr. DOAR. Did you know what position Mr. Colson held at the White House?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. What was that position?

Mr. BITTMAN. Special assistant to the President, special counsel to the President, or some such title.

Mr. DOAR. Did you have any knowledge or were you aware of any other of the members of the White House staff, were you acquainted with any of the other members of the White House staff at that time?

Mr. BITTMAN. No, sir. I don't believe I have ever spoken to Mr. Haldeman, Mr. Ehrlichman, Mr. Nixon, or Mr. Dean in my life.

Mr. DOAR. And you then made no inquiries at the White House as to the source of these funds?

Mr. BITTMAN. No, sir.

Mr. DOAR. Now, how was the money—you have indicated that subsequent to the payment of cash, \$46,000 in cash that came to you, the balance was paid by check?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Did your firm, following the receipt of the \$46,000 adopt a policy with respect to acceptance of cash money in this particular case?

Mr. BITTMAN. Yes, sir. The policy developed by the firm was that they had no policy against the receipt of cash as legal fees as long as it came from Mr. Hunt. Notwithstanding that, the remaining \$110,000 in legal fees was paid by check.

Mr. DOAR. Now, can you tell me whether or not in November of 1972 you were aware of the fact that Mr. Hunt was in touch with Charles Colson?

Mr. BITTMAN. I was aware that he had a telephone call with Mr. Colson approximately that time, but I was not aware of the specifics of that telephone call, and did not learn the specifics of that telephone call until some time in April or May of 1973 in connection with the grand jury proceedings in which I was representing Mr. Hunt.

Mr. DOAR. Now, during the time that you represented Mr. Hunt, did there come occasions or times when envelopes were delivered to you either at your office, at your home, following calls by Mr. Rivers or Mr. Baker for delivery to Mr. Hunt?

Mr. BITTMAN. Yes, sir. I received well over 100 envelopes for Mr. Hunt.

Mr. DOAR. From Mr. Rivers or Mr. Baker?

Mr. BITTMAN. Well, I am trying to complete it, they were delivered to my home, sent to my home, delivered or sent to my office, I received some from the prosecutors, I received some from the Senate committee, but as a result of telephone calls from an individual who identified himself as Mr. Baker on three or four occasions envelopes were delivered to my home.

Mr. DOAR. Did you ever say in your conversations with Mr. Baker, "Well, who are you?"

Mr. BITTMAN. That certainly is a very logical thing that I would say, and perhaps I did, but I don't recall it. But, it certainly sounds like something I would say.

Mr. DOAR. Do you have any idea, any recollection now that Mr. Baker indicated who he was?

Mr. BITTMAN. Other than saying he was Mr. Baker and asking me if I would deliver an envelope to Mr. Hunt, I don't recall any other conversation that I ever had with him.

Mr. DOAR. Is it a fair inference for the committee to conclude that you realized that the names Mr. Rivers and Mr. Baker were fictitious?

Mr. BITTMAN. Well, I assume that they conclude that.

Mr. DOAR. No; but you, you concluded, not what they concluded, but what you concluded?

Mr. BITTMAN. Mr. Doar, I didn't know. Certainly the thought entered my mind that these were fictitious names. I was representing a man who for 25 years of his adult life had been in covert activities on behalf of this Government, a man who felt his home telephone was wiretapped, a man who felt he was under surveillance, a man who felt there was a mail cover on all of his mail at home. It was a very unusual representation, and I am sure a number of things from time to time came into my mind.

Mr. DOAR. Well, all I asked you about was what came into your mind, whether or not it occurred to you at the time or the thought crossed your mind that these two persons who identified themselves as Mr. Rivers and Mr. Baker were using fictitious names?

Mr. BITTMAN. Yes, sir. The thought I am sure entered my mind.

Mr. DOAR. Did you make any investigation to ascertain their actual identity?

Mr. BITTMAN. I did not. Once Mr. Parkinson, in my opinion, vouched for Mr. Rivers, I made no further inquiry.

Mr. DOAR. Now, with respect to these three or four envelopes that were delivered to you by Mr. Baker, can you tell us the time and the occasion and the circumstances of those deliveries?

Mr. BITTMAN. The procedures, to the best of my recollection, were always identical. And that is, I would receive a telephone call some time in the evening asking me if I would be home. He would be identified as Mr. Baker asking me whether or not I would deliver an envelope to Mr. Hunt. During that conversation I would be given a specific time that an envelope would be delivered in the mail box asking me if I would pick it up and deliver it to Mr. Hunt.

In all such instances I did receive the envelope. I never opened the envelope. I would bring it into my home. I would call Mr. Hunt, usually the next morning. He would come to the home, to my home, either that morning, or the next morning or what have you and pick it up, and that is pretty much what happened.

Mr. DOAR. Do I understand that—did you make the suggestion that these envelopes be left in the mailbox?

Mr. BITTMAN. No, sir. I never made such a suggestion.

Mr. DOAR. Who made the suggestion?

Mr. BITTMAN. The individual who telephoned me, who I understand is Fred LaRue.

Mr. DOAR. But it was—he identified himself as Mr. Baker?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Now, did you know what was in the envelope?

Mr. BITTMAN. No, sir.

Mr. DOAR. When you went out to the mailbox and took out these envelopes, did you examine them?

Mr. BITTMAN. I did not.

Mr. DOAR. Well, you carried them into the house with you?

Mr. BITTMAN. I did.

Mr. DOAR. Was it a thick, bulky package, or a thin, ordinary letter-size envelope?

Mr. BITTMAN. To the best of my knowledge, it was a regular manila envelope, that for one reason or another did not appear to me to be really bulky. Certainly hindsight is a wonderful thing, but at the time it didn't really make much difference to me, because I delivered hundreds of envelopes to Mr. Hunt, and maybe I should have been alerted to the rather peculiar nature of these deliveries, but I did not.

Mr. DOAR. Well, you have said several times this morning about the delivery of 100 envelopes to Mr. Hunt.

Mr. BITTMAN. Yes, sir.

Mr. DOAR. But I want to be sure there is no misunderstanding, and in fairness to you, Mr. Bittman, the number of envelopes that you delivered following calls from people who you didn't know that gave you names and arranged to not deliver the letter to you, or the envelope to you personally, but leave it in your mailbox, there weren't 100 of those?

Mr. BITTMAN. There were not.

Mr. DOAR. As a matter of fact, that kind of delivery were only deliveries that you got from Mr. Baker, that kind?

Mr. BITTMAN. That's correct.

Mr. DOAR. That's fair, isn't it?

Mr. BITTMAN. Yes, it is.

Mr. DOAR. Did you realize when you passed on this envelope to Mr. Hunt that there was money in it?

Mr. BITTMAN. I did not.

Mr. DOAR. Did you know whether or not money was coming to Mr. Hunt for his personal use and the use of other defendants in the case?

Mr. BITTMAN. Well, of course, I was aware of the July 7 and October 13 deliveries. I was aware—I don't recall the dates, October or November, or September and October, that legal fees and living expenses had been paid to the defendants.

Mr. DOAR. Well, you have referred to being aware of the fact that money was being received by the defendants throughout the summer and fall of 1972.

Mr. BITTMAN. Well, you say throughout. I don't know if it was throughout. I do recall receiving two memos from Dorothy Hunt which indicated that such payments for legal fees and living expenses had been made.

Mr. DOAR. Mr. Chairman, I think it probably would facilitate the examination—these two memos are in the notebooks—but we have made copies, and if I could show these to the witness and have them marked at Bittman exhibits No. 1 and No. 2, and then distribute them to the committee at the same time, I think the questioning would be facilitated.

The CHAIRMAN. That will be all right, and they will be so marked.

Mr. BITTMAN. I might state that these two memos were turned over by me to the Special Watergate Prosecutor's Office, without anyone at the Special Watergate Prosecutor's Office even having knowledge of their existence, so I am familiar with the documents.

Mr. DOAR. If I could ask Mr. Garrison to mark the September 19 memo as Bittman exhibit No. 1 and the October 2 memo as Bittman exhibit No. 2.

The CHAIRMAN. Please proceed, Mr. Doar.

Mr. DOAR. Mr. Bittman, have you had a chance to examine the exhibits that have been marked exhibits 1 and 2?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. And could you identify for the record those two exhibits, please?

Mr. BITTMAN. These two memos were handed to me by Dorothy Hunt at my home on or about the dates they bear.

Mr. DOAR. I would like to ask that these two be made a part of the record.

The CHAIRMAN. They will be so designated.

[The documents referred to as Bittman exhibits No. 1 and No. 2 follow.]

[Bittman Exhibit No. 1]

*September 19, 1972.*

Memorandum to: Mr. William O. Bittman

From: Dorothy Hunt

Re: Contact made on above date and distribution on same date

I received a call from Mr. Rivers at noon on the above date and arranged to pick up what he "was able to scrape up on such notice." I asked the amount and was told \$53,500. I then asked what distribution was to be made and was told that it was up to me, but that I would be accountable at our next conversation. I informed Mr. Rivers that Mr. Liddy had telephoned me the previous night and informed me that since he would be in court on the 19th, he would appreciate it if I could handle any contact for him.

Mr. Rivers said he had not arranged anything about Mr. Liddy (a fact I am not going to pass on to Mr. Liddy as I feel it will anger him), and asked me to spread the \$53,500 out to include Mr. Liddy and his attorney as well as Mr. McCord. He concluded that he would be in touch with me again when he could and repeated that this amount was all he was able to scrape up on such short notice. I thanked him.

Distribution as follows:

Mr. Barker for Mr. Rothblatt.....	\$13,000
Mr. McCord for Mr. Bailey.....	13,000
Mr. Liddy for Mr. Marlius.....	13,000
Mr. Barker for two assistants to Mr. Rothblatt.....	5,000
Mr. Liddy for compensation of 2 months salary.....	5,000
Mr. Liddy for bail.....	1,000
Mr. Hunt for bail.....	1,000
Mr. Barker for travel for 4 persons from Miami.....	1,000
Mr. Barker for Mr. de Felipe for attorney and expenses.....	1,500
Total .....	53,500

[Indistinct document retyped by House Judiciary Committee staff.]

[Bittman Exhibit No. 1A]

September 19, 1972

MEMORANDUM TO: Mr. William O. Bittman

FROM: Dorothy Hunt

RE: Contact made on above date and distribution on same date

I received a call from Mr. Rivers at noon on the above date and arranged to pick up what he "was able to scrawl up on such short notice". I asked the amount and was told \$53,500. I then asked what distribution was to be made and was told that it was up to me, but that I would be accountable at our next conversation. I informed Mr. Rivers that Mr. Liddy had telephoned me the previous night and informed me that since he would be in court on the 19th, he would appreciate it if I could handle any contact for him. ....

Mr. Rivers said he had not arranged anything about Mr. Liddy (a fact I am not going to pass on to Mr. Liddy, as I feel it will anger him), and asked me to spread the \$53,500 out to include Mr. Liddy and his attorney as well as Mr. McCord. He concluded that he would be in touch with me again when he could and repeated that this amount was all he was able to scrawl up on such short notice. I thanked him.

Distribution as follows:

\$13,000 to Mr. Barker for Mr. Rothblatt  
 \$12,000 to Mr. McCord for Mr. Bailey  
 \$13,000 to Mr. Liddy for Mr. Mathias  
 \$ 5,000 to Mr. Barker for 2 Assts. to Mr. Rothblatt  
 \$ 5,000 to Mr. Liddy for compensation of 2 months  
 \$ 1,000 to Mr. Liddy for Bail  
 \$ 1,000 to Mr. Hunt for Bail  
 \$ 1,000 to Mr. Barker for travel for 3 persons  
 \$ 1,500 to Mr. Barker for Mr. De' Police for attorney  
 -----  
 \$53,500

[Indistinct document retyped by House Judiciary Committee staff]

October 2, 1972.

Memorandum to: Mr. William O. Bittman  
 From: Dorothy Hunt  
 Subject: Accounting of Monies Received

In July, I received and paid out the following amounts:

Bail money for Frank Sturgis.....	\$5,000
Income replacement James McCord.....	15,000
Bail at \$4,000 each for Messrs Barker, Martinez and Gonzales.....	12,000
Income replacement for Mr. Barker.....	6,000
Income replacement for Mr. Sturgis.....	4,000
Income replacement for Mr. Hunt and Mrs. Hunt.....	30,000
Income replacement for Mr. Martinez.....	3,000
Income replacement for Mr. Gonzalez.....	3,000
Under table bail money for Mr. Barker.....	10,000

NOTE.—Income replacement was for a period of July–Nov.

In August, I gave Mr. Barker a total of \$3,000 for expenses of travel for himself and others and for telephone expenses, and for interest paid on pawning of wife's jewelry.

In other words, I received a total of \$88,000 and have paid out \$91,000 (using the final \$3,000 from my own funds)

You already have an accounting of the \$53,500 received on September 19th.

[Bittman Exhibit No. 2]

[Bittman Exhibit No. 2A]

October 2, 1972

Memorandum to: Mr. William O. Bittman

From: Dorothy Hunt

Subject: Accounting of Monies Received

In July, I received and paid out the following amounts:

\$5,000	Bail money for Frank Sturgis :
\$15,000	Income replacement James McCord
\$12,000	Bail at \$4,000 each for Messrs.
	Barker, Martinez and Gonzalez
\$ 6,000	Income replacement for Mr. Barker
\$ 4,000	Income replacement for Mr. Sturgis
\$30,000	Income replacement for Mr. Hunt and Mrs. Hunt
\$ 3,000	Income replacement for Mr. Martinez
\$ 3,000	Income replacement for Mr. Gonzalez
\$10,000	Under table bail money for Mr. Barker
	(Note: Income replacement was for a period of July–Nov.)

In August, I gave Mr. Barker a total of \$3,000 for expenses of travel for himself and others and for telephone expenses, and for interest paid on pawning of wife's jewelry.

In other words, I received a total of \$88,000 and have paid out \$91,000 (using the final \$3,000 from my own funds)

You already have an accounting of the \$53,500 received on September 19th.

Mr. DOAR. Now, at some time during your representation of Mr. Hunt you had a conversation, a first conversation with Charles Colson?

Mr. BITTMAN. Yes, sir, on December 9, 1972.

Mr. DOAR. And at that time do you know what Mr. Colson's employment was?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. And what was it?

Mr. BITTMAN. Special counsel to the President, special assistant to the President, something of that nature.

Mr. DOAR. Now, as I understand it, Mr. Bittman, you talked to Mr. Colson on the 9th of December 1972?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Did you place that call?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. And what was the purpose of calling Mr. Colson?

Mr. BITTMAN. To inform Mr. Colson that Mrs. Hunt had been killed the day before in Chicago.

Mr. DOAR. Did you do that at anyone's direction?

Mr. BITTMAN. No, sir.

Mr. DOAR. Did you talk to Mr. Colson as a result of that conversation?

Mr. BITTMAN. I initially put the call in and talked to his secretary, and subsequently he returned the call.

Mr. DOAR. And what was the extent of the conversation?

Mr. BITTMAN. He was shocked. He was very concerned about the effect it would have upon both Howard Hunt and the children, and expressed deep concern that Mr. Hunt might commit suicide.

Mr. DOAR. Now, when did you next have any contact with Mr. Colson?

Mr. BITTMAN. January 3, 1973.

Mr. DOAR. Prior thereto did you learn that Mr. Hunt had written a letter to Mr. Colson?

Mr. BITTMAN. I don't know if I did or not. I was out of town when the letter was written, but I did find out eventually that on December 31, 1972, Mr. Hunt had written a letter to Mr. Colson and asked Mr. Colson to see me.

Mr. DOAR. Well, what was the circumstances of the meeting on January 3?

Mr. BITTMAN. I was out of town with my family from December 22 until late in the evening on January 2. I returned to my office early on January 3. There was a conference of attorneys before Judge Sirica. I then had a conference with the prosecutors. I then returned to my office and there was a conference of all attorneys representing the defendants in the case, and the trial at that time was scheduled to begin on January 8.

At sometime after I had returned to my office I received a telephone call from Mr. Colson's office indicating that he would see me. Needless to say, I was rather surprised because I had not asked to see him.

Then I called Mr. Hunt and had a conversation with him inquiring generally as to why he wanted me to see Mr. Colson. Pursuant to that conversation I then met with Mr. Colson.

Mr. DOAR. Now, do I understand you correctly that this set the chronology?



Mr. BITTMAN. Yes, sir.

Mr. DOAR. This was 5 days before the criminal case in the U.S. District Court for the District of Columbia before Judge Sirica was about to start?

Mr. BITTMAN. Well, that's correct. Of course, I had learned, Mr. Doar, just to be fair, that approximately almost 3, 4 weeks earlier that Mr. Hunt would not go to trial then and would plead guilty because of the death of his wife, and I had numerous conversations with the prosecutors concerning the possible severance, continuance and/or plea of guilty, so this was an established fact when I met with Mr. Colson on January 3, and this is one of the items that Mr. Hunt asked me to discuss with Mr. Colson.

Mr. DOAR. Did you have a discussion with Mr. Colson on January 3 with respect to Mr. Hunt's employment at the White House?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. What did Mr. Colson say to you about that?

Mr. BITTMAN. Well, he indicated that he had known Howard Hunt because of the Brown University Alumni Association meeting. I believe that's what it is. I am not absolutely certain, that when he learned that Mr. Hunt had left the CIA and joined Mullen & Co. that from time to time the two of them would have lunch together. And at some point Mr. Colson thought that he could perform a valuable service to the White House and asked Mr. Hunt to work for the White House.

He indicated that Mr. Hunt was involved in matters such as narcotics, numerous special projects. I think one of the items that seems to be vivid in my mind is he mentioned Mr. Hunt had prepared a very lengthy contingency report for the White House in the event Fidel Castro died or was killed, and a number of miscellaneous projects. I did have that general discussion with Mr. Colson, who indicated that he was responsible for the White House hiring Mr. Hunt as a special consultant.

Mr. DOAR. Did he indicate that Mr. Hunt worked for him?

Mr. BITTMAN. Well, he worked for him for part of the time, and then Mr. Hunt was involved for other individuals in the White House. He did not indicate that he worked for him directly during Mr. Hunt's entire tenure.

Mr. DOAR. Did he indicate what other individuals Mr. Hunt worked for in the White House?

Mr. BITTMAN. I don't recall that discussion.

Mr. DOAR. Did he indicate when he was, when his services were terminated by the White House?

Mr. BITTMAN. He indicated to me that Mr. Hunt's services were terminated the end of March 1972. And I told him that was inconsistent with the information that I had.

Mr. DOAR. What did Mr. Colson say?

Mr. BITTMAN. Well, this related, to put it into context, a discussion about the motion to suppress that I had filed in which the Government endeavored to justify the break-in of Mr. Hunt's safe on the grounds that Mr. Hunt had abandoned the property and, therefore, they didn't need a search warrant.

I told Mr. Colson that I thought that that legal theory was prepos-

terous and could not hold up, and that Mr. Hunt had given me the names of a number of witnesses who could testify, and that he frequently used his office subsequent to late March 1972.

Mr. Colson informed me that notwithstanding that, if he were called to the witness stand during a hearing, that he would testify that it was his opinion that Mr. Hunt had been terminated in March 1972, and that he had no knowledge of Mr. Hunt using the office, I guess it was S-338 in the EOB.

Mr. DOAR. Did you ask Mr. Colson if he knew anything about the break-in to Mr. Hunt's safe?

Mr. BITTMAN. Well, to try—

Mr. DOAR. Just answer that question if you could.

Mr. BITTMAN. We discussed the break-in of the safe. To the best of my knowledge Mr. Colson indicated to me that he had no specific knowledge about the break-in of the safe. He certainly did not seem to be familiar with either the motion to suppress that I had filed back in October or the defense that the Government or the opposition to my motion that the Government had filed a couple of weeks after that.

Mr. DOAR. Well, I would like you to be as precise as you can within your recollection with respect to the discussion you had with Mr. Colson about Howard Hunt's safe in the Executive Office Building in the White House.

Mr. BITTMAN. I do not recall Mr. Colson telling me anything which indicated to me at that time that he had any specific knowledge about the break-in of the safe.

Mr. DOAR. And do you recall, did you ask him specifically about that?

Mr. BITTMAN. I am not sure that I did, but we discussed the break-in of the safe, but from the tenor of the conversation it certainly seemed clear to me that he had no such knowledge. And I might also state certainly there wasn't any indication in the papers that the Government had filed concerning the break-in of the safe that Mr. Colson was in any way involved, so that didn't surprise me.

Mr. DOAR. Did Mr. Colson give you any indication where you might go to get the information about the break-in of the safe?

Mr. BITTMAN. Yes, sir. He suggested I talk to John Dean.

Mr. DOAR. And did you do that?

Mr. BITTMAN. No, sir.

Mr. DOAR. Did you know John Dean?

Mr. BITTMAN. No, sir. I don't know him today.

Mr. DOAR. Now, did you meet again on the following day with Mr. Colson?

Mr. BITTMAN. I did.

Mr. DOAR. Let me ask you this, and just go back again, Mr. Bittman, when Mr. Colson suggested you talk to Mr. Dean, what did you say to Mr. Colson?

Mr. BITTMAN. I indicated to him in substance that I did not care to talk to Mr. Dean, that I heard that he was involved.

Mr. DOAR. And what did Mr. Colson say about that?

Mr. BITTMAN. Nothing.

Mr. DOAR. Now, on the next day—did that terminate the conversation?

Mr. BITTMAN. Well, I also discussed other matters with Mr. Colson such as certain pension problems that Mr. Hunt had. The Government had conducted some legal research and whether or not they could revoke Mr. Hunt's annuity from the CIA, which Mr. Hunt was very concerned about. Mr. Hunt asked me to relay that to Mr. Colson.

And there was some red tape involving the transfer of the annuity of the pension from the CIA to the White House. And I also told Mr. Colson that Mr. Hunt wanted me to indicate to him that it was his intention to plead guilty and the reasons why.

Mr. DOAR. Now, on the following day did you meet with Mr. Colson again?

Mr. BITTMAN. I did, sir.

Mr. DOAR. And who initiated that meeting?

Mr. BITTMAN. Mr. Hunt asked me to see Mr. Colson again.

Mr. DOAR. And you had reported to Mr. Hunt about your conversation with Mr. Colson between the time you met him on the 3d and the time you called Mr. Colson on the 4th?

Mr. BITTMAN. Yes, sir. I met with Mr. Hunt at my home the evening of January 3, and indicated to him the full substance of my dealing with Mr. Colson.

Mr. DOAR. And you talked, you met Mr. Colson on the 3d in his office at the White House?

Mr. BITTMAN. At the EOB.

Mr. DOAR. At the EOB?

Mr. BITTMAN. Yes, sir. I don't recall the room number. It was on the first floor.

Mr. DOAR. And tell us about your initiation of the call to Mr. Colson on the 4th.

Mr. BITTMAN. Well, all I can recall is that I placed a call to Mr. Colson's secretary and asked Mr. Colson if he could see me that day. I am sure subsequently someone called me and said that he could, and that then I went to the EOB and I had another conversation with Mr. Colson probably sometime late in the afternoon on January 4.

Mr. DOAR. And what was the substance of that conversation?

Mr. BITTMAN. We went into much more detail, or I did, with respect to Howard Hunt's plea of guilty, and the fact that Howard Hunt was very concerned about his children when he would go to jail, and he was very concerned about the possibility of Judge Sirica giving him a substantial sentence.

In view of the fact that his wife had been killed less than a month earlier, he was terrified with the prospect of receiving a substantial sentence. Mr. Colson indicated that he was a very close, dear friend of Howard Hunt, that if necessary he would take Howard Hunt's children into his own home, that in his opinion it would be outrageous if Judge Sirica would give him a substantial sentence because of his own health problems, his family's health problems and his service to the country, and because of the nature of the offense.

And he told me to go back to Howard Hunt and to indicate to him that he would always be a close friend of Howard Hunt's and that he would do anything whatsoever to assist Howard Hunt as a friend, whether he was in or out of the White House.

Mr. DOAR. Let me ask you this: prior to the time that Mr. Colson

made that statement to you, I would like to ask you whether or not you had asked Mr. Colson what he could do if Hunt got a substantial sentence?

Mr. BITTMAN. I never asked him that sentence.

Mr. DOAR. You never did?

Mr. BITTMAN. No, sir.

Mr. DOAR. Words to that effect, in that substance?

Mr. BITTMAN. I do not recall ever asking Mr. Colson what he could do. I pointed out on behalf of my client the tremendous problems, and I was very specific, with respect to his four children, three of which had serious problems. And I went into great detail, and I went into the problems that Mr. Hunt had, Mr. Hunt's own personal problems, and I did not ask Mr. Colson specifically what he could do. But, I did convey to him the fact that Howard Hunt wanted to know whether or not if he received a substantial sentence from Judge Sirica, whether or not he could help him in some way.

Mr. DOAR. And when you say he, you mean Charles Colson?

Mr. BITTMAN. Oh, yes, sir.

Mr. DOAR. Now, did you have any further conversation with Charles Colson about Howard Hunt?

Mr. BITTMAN. I recall a telephone call that eventuated in a conversation with Mr. Colson sometime in the middle of January in which he placed, and the conversation took place after Mr. Hunt had pled guilty. He pled guilty in January or I should say the court permitted him to plead guilty on January 11, 1973. Sometime thereafter Mr. Colson called me, and I spoke with him, and he indicated that Mr. Hunt would appear on national television, the first time Mr. Hunt, to my knowledge, had spoken to the press, and had made a short statement on national television.

Mr. Colson indicated to me that he had observed Mr. Hunt on television, that he thought he made a tremendous impression, and that certainly many people would be sympathetic with respect to his situation. And he advised me to indicate to Mr. Hunt that it might not be in his interest to continue talking to the press because of the way that they had of distorting things.

I indicated to Mr. Colson that I didn't think that would be a problem, that I had always advised Mr. Hunt not to talk to the press, and that I did not think it was in his best interest. That was the substance of that conversation.

Mr. DOAR. Now, did you have any further conversations with Mr. Colson about your client, Mr. Hunt?

Mr. BITTMAN. I know I had discussion with Mr. Colson later, and I believe the substance of those conversations related to the November 1972 conversation that Mr. Hunt had with Mr. Colson in preparing Mr. Hunt for grand jury appearances. Mr. Hunt began testifying before the Federal grand jury almost immediately after he was sentenced on March 23. And I would determine in advance of each grand jury appearance the areas in which the prosecutor would ask Mr. Hunt questions. I would then have conversations with Mr. Hunt, and I would also endeavor to determine independently what other witnesses might testify to in order to refresh Mr. Hunt's recollection.

It was in that connection that I went to see Mr. Colson. This was probably sometime in April or May of 1973. And I asked him, and I probably spoke to him and his attorney, David Shapiro, and I asked them what, or asked Mr. Colson, what his recollection was of the November 1972 conversation, because Mr. Hunt was going to be asked about it, and had a very dim recollection of it.

And I was informed at that time, for the first time, that the conversation had been recorded. And I asked for a copy of the transcript. I was given a copy of it, went back to see Mr. Hunt in jail and gave it to him.

Mr. DOAR. And did you read it before you gave it to him?

Mr. BITTMAN. Oh, yes, I did.

Mr. DOAR. Now, did you have a conversation in the middle of March with Mr. O'Brien with respect to Mr. Hunt?

Mr. BITTMAN. Yes, sir, I did.

Mr. DOAR. And can you fix the time of that conversation?

Mr. BITTMAN. To the best of my recollection, it was March 16, 1973.

Mr. DOAR. What is the basis of your recollection?

Mr. BITTMAN. Notes that I have in my day book.

Mr. DOAR. What kind of notes and what kind of a day book?

Mr. BITTMAN. Well, I have Mr. Hunt in my office at 2 p.m. on March 16, and that's the only way that I can fix the date of that meeting.

Mr. DOAR. For how long a period was Mr. Hunt in your office that day?

Mr. BITTMAN. I believe it indicates approximately an hour.

Mr. DOAR. So, you have in your daybook Mr. Hunt's being in your office on the 16th of March from 2 to 3 p.m.?

Mr. BITTMAN. Either 2, 2:45 or 2 to 3, yes, sir.

Mr. DOAR. Can you tell the committee whether or not as a lawyer are you a meticulous recordkeeper with respect to your appointments?

Mr. BITTMAN. No—well, it depends. This particular notation, Mr. Doar, says conference with Hunt, et cetera. So, if you asked me about that particular conference I wasn't very meticulous. With respect to other conferences I might be, depending on the tenor of each conference.

Mr. DOAR. I am asking you whether that entry in your notebook, or log, or daybook, or whatever you call it, was made in your usual practice contemporaneous with the conference?

Mr. BITTMAN. Mr. Doar, I have to answer that question in this way: It depends how busy you are. If you can do it contemporaneously, you do. But, there are many occasions in which I sit back in the evening, and sometimes even the next morning to reconstruct what I did on a particular day. I reconstructed all of my hours during the period of time that I represented Mr. Hunt, and I was averaging 60 billable hours a week for that entire period. That does not include many other activities that I, professional activities in which I was engaged, and so I would attempt to do it, you know, contemporaneously, but I can't say, you know, I always did it.

Mr. DOAR. Mr. Bittman, all I am trying to find out is how confident you are that Mr. Hunt was in your office on the 16th of March between 2 and 2:45?

Mr. BITTMAN. I am only confident because I am normally fairly accurate in my making that kind of reference. I think I know what you are driving at, because there is a discrepancy between the testimony of David Shapiro who also has Howard Hunt in his office at 2 on the same day. I cannot reconcile that discrepancy.

Mr. DOAR. Did you keep timesheets of your work for Mr. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Did you check the timesheets later to see whether they showed—

Mr. BITTMAN. My timesheets are—right from my daybook. They would be absolutely consistent with my daybook. Everything goes into my daybook, and then subsequently it is dictated to my secretary. But, I dictate from my daybook, so whatever the computerized timesheets would show, it would come directly from the daybook.

Mr. DOAR. The question was whether you looked at the timesheets, checked them?

Mr. BITTMAN. No, sir. I looked at my daybook.

Mr. DOAR. All right. Well now, we have Mr. Hunt, according to your testimony, in your office at 2 on the 16th?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Did you place a phone call to anyone on that occasion for Mr. Hunt?

Mr. BITTMAN. I did.

Mr. DOAR. And to whom did you call?

Mr. BITTMAN. I called Paul O'Brien.

Mr. DOAR. And at whose request did you call Paul O'Brien?

Mr. BITTMAN. At Mr. Hunt's request. I told Mr. O'Brien—

Mr. DOAR. Wait a minute.

Mr. BITTMAN. Excuse me.

Mr. DOAR. You called Mr. O'Brien at Mr. Hunt's request?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Had you called Mr. O'Brien theretofore at Mr. Hunt's request?

Mr. BITTMAN. Well, I had many conferences with Mr. O'Brien.

Mr. DOAR. No, the question is, had you called Mr. O'Brien at Mr. Hunt's request before that particular time?

Mr. BITTMAN. The reason I am confused is because there was a time approximately 2 or 3 weeks earlier than that that Mr. O'Brien had met with Mr. Hunt in my office, and I don't recall whether or not that was inadvertent that Mr. O'Brien just happened to be there, or whether or not I had called Mr. O'Brien, or Mr. O'Brien wanted to talk to Mr. Hunt. But, I do recall there was an earlier meeting I believe in February between the two of them at which I was not present where there was a discussion concerning the possible testimony of Mr. Hunt before a congressional committee.

Mr. DOAR. So at any rate, you called Mr. O'Brien. What did you say to him?

Mr. BITTMAN. I told him that Mr. Hunt was in my office, that he wanted to talk to him.

Mr. DOAR. What did Mr. O'Brien say?

Mr. BITTMAN. He thought about it, and he said he would be over. His office was approximately a half a block from mine.

Mr. DOAR. And at the time that you made that call Mr. Hunt was in your office?

Mr. BITTMAN. I believe he was.

Mr. DOAR. And by that I mean in the same room that you were in?

Mr. BITTMAN. I don't know for sure, but I believe he was.

Mr. DOAR. And did Mr. O'Brien come over to the office?

Mr. BITTMAN. Yes; he did.

Mr. DOAR. And did you have a discussion with him?

Mr. BITTMAN. Yes; I did.

Mr. DOAR. Was the discussion in Mr. Hunt's presence?

Mr. BITTMAN. I believe it was.

Mr. DOAR. Can you tell the members of the committee what that discussion was?

Mr. BITTMAN. Yes, sir, I am certain it was a very brief conversation in which I would have told or told Mr. O'Brien that Mr. Hunt wanted to talk to him because he was very concerned about the fact that within a week he was going to go to jail, and that he was very concerned about accumulating legal fees and living expenses that he wanted to discuss with Mr. O'Brien and the two of them then had a meeting in a vacant office in our office suite at which I was not present.

Mr. DOAR. Did you suggest that the meeting—that they go into another office and talk?

Mr. BITTMAN. I doubt that.

Mr. DOAR. Well——

Mr. BITTMAN. I don't know who suggested it, but I customarily—that would not be—that suggestion would not have been made by me.

Mr. DOAR. Well then, did anybody suggest that you should be excluded from this meeting?

Mr. BITTMAN. Mr. Doar, I can't answer that question. I just don't know. All I know is I wasn't present at their meeting.

Mr. DOAR. And did you arrange for them to go into another office?

Mr. BITTMAN. Yes, I did.

Mr. DOAR. How long were they gone?

Mr. BITTMAN. I can only guess. My guess would be half an hour, 45 minutes. I just don't recall.

Mr. DOAR. What do you remember next about that?

Mr. BITTMAN. The two of them returned to my office. Again, there was a very brief discussion, Mr. O'Brien and Mr. Hunt. Mr. Hunt informed me, and I am a little cloudy as to whether or not Mr. O'Brien was present or not, but he could have been, so I will testify to the conversation, that Mr. O'Brien had suggested that he could not do anything with respect to Mr. Hunt's attorneys' fees and living expenses and that he suggested that he contact his close friend, Charles Colson. And he had suggested that Mr. Hunt write a memorandum to Mr. Colson and Mr. Hunt did not feel that was appropriate. I was asked to call Mr. Colson by Mr. Hunt.

Now, at what point Mr. O'Brien was there or was not there, I don't know. But in any event, I called Mr. Colson's secretary, informed the secretary that Mr. Hunt wanted to talk to him. Either during that conversation or in a callback conversation, I was informed, probably—because I am not sure—by Mr. Colson's secretary that Mr. Colson did not feel it was appropriate to talk to Mr. Hunt, but Mr.

Shapiro, his attorney, would. And I conveyed that information to Mr. Hunt.

Mr. DOAR. Was that the first time that Mr. Colson had ever advised you or his secretary that Mr. Colson didn't feel it was appropriate for him to talk to Mr. Hunt?

Mr. BITTMAN. This could have been alluded to on January 3 and 4, that Mr. Colson did not feel it was advisable to talk to Mr. Hunt, but I am not sure.

Mr. DOAR. But it could have been——

Mr. BITTMAN. It certainly could have been.

Mr. DOAR. Now, did you get a call subsequent to that meeting on the 16th from Mr. Baker?

Mr. BITTMAN. Certainly not immediately——

Mr. DOAR. Not immediately there, but subsequent to the meeting?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. Can you tell the members of the committee when you got that call?

Mr. BITTMAN. To the best of my recollection, I would have received a telephone call on the evening of March 21, but I cannot be positive. It would have, again, come around 9 or 10 o'clock, asking me if I would deliver an envelope to Mr. Hunt. I said that I would. An envelope or envelopes was delivered to me that evening.

Mr. DOAR. How was it delivered?

Mr. BITTMAN. In the mailbox.

Mr. DOAR. Where is your mailbox located?

Mr. BITTMAN. It is at the end of the driveway.

Mr. DOAR. About how far from your house?

Mr. BITTMAN. A hundred yards, 75 yards. I don't know.

Mr. DOAR. Did you go out the 75 yards that evening and pick up the envelope?

Mr. BITTMAN. I did. I then called Mr. Hunt the next morning.

Mr. DOAR. Now, wait, before you got to that, was this the same kind of envelope or a different envelope?

Mr. BITTMAN. I am not sure. I seem to recall that it was not the same kind of envelope. I seem to recall that it was a different kind of envelope.

Mr. DOAR. How different was it?

Mr. BITTMAN. I have in the back of my mind that there were four envelopes. No one has ever testified to that, but that is what my recollection is. So I can only testify here what my recollection is.

Mr. DOAR. Did you feel the envelopes when you took them out of the mailbox?

Mr. BITTMAN. I had them in my hand, yes, sir.

Mr. DOAR. Did you notice anything unusual about the envelopes?

Mr. BITTMAN. I did not.

Mr. DOAR. Did you realize that there was money in the envelopes?

Mr. BITTMAN. I suspected there was. But I was not sure and did not learn positively until Mr. Hunt's subsequent grand jury testimony, at which I asked him a specific question.

Mr. DOAR. And what did you do with the envelopes?

Mr. BITTMAN. Brought them into my home and called Mr. Hunt the next morning and he came over to pick them up.



Mr. DOAR. Was the call made by Mr. Baker after you picked up the envelope to find out if you had gotten it?

Mr. BITTMAN. I don't recall such a call. I mean I can't say that it didn't happen, but I do not recall a conversation that I had after I had obtained an envelope. I don't recall such a conversation, but I would not want to say that it could not have happened.

Mr. DOAR. And you called Mr. Hunt that night or the next morning?

Mr. BITTMAN. I called him the next morning.

Mr. DOAR. And what did you say to him?

Mr. BITTMAN. I said I received a telephone call, Howard, and there is an envelope here, or envelopes, whatever it was, would you come over and pick them up.

Mr. DOAR. And did he?

Mr. BITTMAN. He did.

Mr. DOAR. And did you deliver that envelope to him?

Mr. BITTMAN. I did.

Mr. DOAR. What did he say at that time?

Mr. BITTMAN. Nothing.

Mr. DOAR. Was the envelope opened in your presence?

Mr. BITTMAN. No, sir.

Mr. DOAR. Now, I have asked you about the total amount of your attorney's fees, or the attorneys' fees of your friends in connection with your representation of Mr. Hunt. I would like to ask you, how has your former law firm handled those fees? Did they handle those any different than ordinary legal fees that came to the firm?

Mr. BITTMAN. Well, initially, the \$25,000 was put into a special account. Approximately 2 months later, the special account was transferred to the firm's regular account. The entire \$156,000 was handled through the firm's regular account, but subsequently, the firm put \$156,000 into an escrow account and that is where the money is today.

Mr. DOAR. Can you fix the time?

Mr. BITTMAN. It was probably sometime in August or September of 1973, well after the receipt of the latest legal fee.

Mr. DOAR. Prior thereto, was the money taken into income?

Mr. BITTMAN. Yes, sir.

Mr. DOAR. By the partners?

Mr. BITTMAN. Yes, sir; and tax paid on it.

Mr. DOAR. And tax paid on it. And the decision to do that was a decision of the managing partners of the firm?

Mr. BITTMAN. No, sir; it was a partnership decision, in which the partners voted to escrow that sum of money.

Mr. DOAR. That is all the questions I have, Mr. Chairman.

Mr. DONOHUE [presiding]. Mr. St. Clair.

Mr. St. Clair. Thank you, Mr. Chairman.

Mr. Bittman, have you been interviewed by the staff of this committee?

Mr. BITTMAN. I have.

Mr. St. Clair. For what period of time, approximately?

Mr. BITTMAN. A week ago Sunday, I believe, I was interviewed by Mr. Doar, Mr. Jenner, and Mr. Nussbaum for approximately 3 or 4 hours, on a Sunday.

Mr. St. Clair. Thank you.

Mr. BITTMAN. Then I was also interviewed the next evening by them for several hours, which I believe was last Monday night, a week ago Monday. I am sure if I am incorrect, I hope they correct the record. That is my recollection.

Mr. ST. CLAIR. Well, that is consistent with their work schedule. It is true, however, that you and I have never met before?

Mr. BITTMAN. Not until this morning, Mr. St. Clair.

Mr. ST. CLAIR. Now, Mr. O'Brien, excuse me—I beg your pardon. Mr. Bittman.

When on the 16th of March of 1973 you had a talk with Mr. Hunt about asking Mr. O'Brien to come over—do you recall just testifying about that?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Had you any talk—just yes or no—with Mr. Hunt about arrearages in his legal fees?

Mr. BITTMAN. I could have. I have no clear recollection of whether or not—I had several discussions with Mr. Hunt about the outstanding balance of his legal fees. Whether or not we had a discussion on that date or not, I really do not recall. But I could have.

Mr. ST. CLAIR. This had been a matter, however, of discussion between you?

Mr. BITTMAN. Oh, yes sir.

Mr. ST. CLAIR. And I take it it was a matter of some concern to Hogan & Hartson?

Mr. BITTMAN. Yes sir. And a concern to Mr. Hunt.

Mr. ST. CLAIR. And to Mr. Hunt as well.

And I assume you informed him of the extent of that arrearage?

Mr. BITTMAN. Yes sir.

Mr. ST. CLAIR. And if I suggest \$75,000, would that be the approximate amount?

Mr. BITTMAN. I have to back-track. I don't recall an arrearage of \$75,000. Mr. Hunt paid to my firm in late January, \$50,000. In April, after he was incarcerated, he paid—these are all by check—\$60,000. My recollection is that when he paid the \$60,000 in early April, that came close to covering the outstanding balance of attorneys' fees and disbursements through the end of March. That is the best way I can answer that question.

Mr. ST. CLAIR. I see.

Mr. DONOHUE. Just a moment.

Mr. Bittman, this was a conversation between you and your client that you are now relating to Mr. St. Clair?

Mr. BITTMAN. No, sir, he asked me a general question whether I discussed the outstanding balance of attorneys' fees with Mr. Hunt from time to time, and I answered that I did.

Mr. DONOHUE. But this was a private conversation between you and your client?

Mr. BITTMAN. Yes, but I did not testify to the substance of the conversation that I had with Mr. Hunt, Mr. Chairman. At least to the best of my knowledge, I didn't.

I then recited payments of attorneys' fees that were paid by Mr. Hunt to the firm in January and in April. But I did not attempt to recite any such conversation.

Mr. DONOHUE. I am referring to the conversation that took place between you and your client on March 16, which you are now relating to Mr. St. Clair. Is that so?

Mr. BITTMAN. No, sir, I do not—I don't think the record will reflect that, Mr. Chairman.

Mr. DONOHUE. I am sorry. You may proceed, Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

Well, as a result of the conversations that you had with Mr. Hunt, were you of the view that he was concerned about getting money to pay you?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Now, sir, if we may go back briefly, you stated that your initial retainer resulted from a visit at your home by Mr. and Mrs. Hunt, is that right?

Mr. BITTMAN. That is correct.

Mr. ST. CLAIR. Did you consider that you represented both Mr. and Mrs. Hunt?

Mr. BITTMAN. Yes, I did, and the retainer letter of July 10, 1972, so reflects. It was signed by both of them.

Mr. ST. CLAIR. If you know, were there any proceedings then pending against her or threatened against her at the time of your initial retainage?

Mr. BITTMAN. Certainly a criminal investigation. Mr. Hunt had not yet been named as a defendant in a civil suit. That came later. But it appeared to me that he would be named in the near future, and he was.

Mr. ST. CLAIR. My question, sir, was directed to Mrs. Hunt. Was there any pending investigation or any pending claims against Mrs. Hunt, to your knowledge, at the time of your original retainer?

Mr. BITTMAN. You say claim. I mean she had been interviewed by the FBI. But that is the extent of it at that time. But she had been interviewed by the FBI prior to my being retained.

Mr. ST. CLAIR. I see. And was it in connection with that interview that she retained you as her attorney?

Mr. BITTMAN. Dorothy Hunt retaining me came about as a result of the meeting on January—excuse me, of July 3 and July 4 in my home, when we discussed what the prospects would be in the future; and therefore, it was agreed that I should represent both of them.

Mr. ST. CLAIR. And did you treat them for record purposes within your office as a single client or as separate clients?

Mr. BITTMAN. As a single client. I also represented the children, who testified before the grand jury.

Mr. ST. CLAIR. I see. And they were included within this single record of representation, in any event?

Mr. BITTMAN. There is no specific reference or no retainer in writing that I represented the children before the grand jury, but certainly, I felt that it was my obligation as the family's attorney to represent them, and I did.

Mr. ST. CLAIR. And were the fees collected by Hogan & Hartson in connection with this family representation, as well as Mr. Hunt himself?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Thank you.

Now, sir, your first contact with persons other than your client relating to the matters about which he consulted you, I take it, was on or about July 6?

Mr. BITTMAN. That is correct.

Mr. ST. CLAIR. Where you met with a Mr. Mardian, a Mr. Parkinson, and a Mr. O'Brien.

Mr. BITTMAN. And a Mr. Jackson.

Mr. ST. CLAIR. A Mr. Jackson. I knew that—

Mr. BITTMAN. And a partner of mine was with me at that time.

Mr. ST. CLAIR. Mr. Mittler?

Mr. BITTMAN. Mr. Mittler, correct, M-i-t-t-l-e-r.

Mr. ST. CLAIR. And he attended with you as—both of you representing then the Hunt family?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Who was Mr. Jackson?

Mr. BITTMAN. Mr. Jackson is a partner of Mr. Parkinson's.

Mr. ST. CLAIR. And they were representing, according to your understanding, what party or parties?

Mr. BITTMAN. The CRP, as special counsel in the litigation.

Mr. ST. CLAIR. I see. And who, according to your understanding, did Mr. O'Brien represent?

Mr. BITTMAN. He also represented the CRP as special counsel in connection with the pending litigation. They were from different law firms.

Mr. ST. CLAIR. Yes, we understand that.

Mr. Mardian?

Mr. BITTMAN. Was a general counsel of the CRP, who apparently had retained Mr. Parkinson and O'Brien.

Mr. ST. CLAIR. All right. And you were anxious—the purpose of the visit, I take it, was investigatory on your part.

Mr. BITTMAN. It was a factfinding mission, to find out what I could 3 days after I was retained.

Mr. ST. CLAIR. Fine. And you were especially interested in what had happened concerning a safe at the EOB that Mr. Hunt used, is that right?

Mr. BITTMAN. That is correct.

Mr. ST. CLAIR. You have referred to that in your conversation and testimony as Mr. Hunt's safe, have you not?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Did Mr. Hunt, to your knowledge, own that safe?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. It was the property of the U.S. Government, was it not?

Mr. BITTMAN. Yes, it was.

Mr. ST. CLAIR. It was used by him in the course of his employment?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. It was not a personal safe, was it?

Mr. BITTMAN. As far as Mr. Hunt was concerned, it was a personal safe?

Mr. ST. CLAIR. No. I am asking you, did you determine that it was a personal safe?

Mr. BITTMAN. No, sir; I believe you are correct. It was a safe owned by the Federal Government and used by Mr. Hunt in his private office.

Mr. ST. CLAIR. It was used by—well, Mr. Hunt occupied an office that was owned by the U.S. Government as well?

Mr. BITTMAN. I won't quarrel with that.

Mr. ST. CLAIR. All right.

Now, for reasons that we can readily understand, you sought to find out information concerning this because you were preparing a motion to suppress, right?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. Did you have in mind when you were seeking this information perhaps prosecuting a motion to suppress?

Mr. BITTMAN. Yes, sir, I did, but the indictment was not returned until September 15.

Mr. ST. CLAIR. No, but that is the purpose of your investigation, as a background for a possible motion to suppress?

Mr. BITTMAN. Yes, sir, I thought there was a possibility of tainting the entire Government's case because of the illegal search and seizure.

Mr. ST. CLAIR. Or alleged illegal search and seizure?

Mr. BITTMAN. I felt strongly then and still feel strongly that it was an illegal search.

Mr. ST. CLAIR. Fine, but it is still an allegation, is it not?

Mr. BITTMAN. It is my allegation.

Mr. ST. CLAIR. Thank you.

Now, Mr. Bittman, in connection with that, you made inquiries as to the duration of Mr. Hunt's employment, did you not? At the White House?

Mr. BITTMAN. No, sir, I learned that from my client. I did not ask Mr. Mardian, Mr. O'Brien, or Mr. Parkinson about Mr. Hunt's employment.

Mr. ST. CLAIR. You did not?

Mr. BITTMAN. I did not.

Mr. ST. CLAIR. Now, at some point, you made inquiries, as I understand it, about the duration of Mr. Hunt's employment?

Mr. BITTMAN. On January 3 was the first time I discussed that with Mr. Colson, 1973.

Mr. ST. CLAIR. Was this before or after the filing of a motion to suppress?

Mr. BITTMAN. Afterward.

Mr. ST. CLAIR. Was it before or after a hearing on that motion?

Mr. BITTMAN. It was after oral argument before Judge Sirica with respect to the motion to suppress, and Judge Sirica had ruled that there would be a hearing on the motion to suppress after the jury had been selected and sequestered. So, it was after oral argument, after a ruling, but before the hearing. No hearing ever took place.

Mr. ST. CLAIR. All right. Mr. Colson, as I understand it, informed you that according to his information and his view, Mr. Hunt's employment at the EOB terminated with the end of March of 1973?

Mr. BITTMAN. That is what he told me.

Mr. ST. CLAIR. Did you ever learn from any source, sir, whether

or not Mr. Hunt received compensation from the White House staff for any period following March 30?

Mr. BITTMAN. Based on my investigation, I ascertained that he did not.

Mr. ST. CLAIR. So that it is clear from your investigation that Mr. Hunt received no compensation for any period of time after March 30, 1973, is that right? 1972, excuse me.

Mr. BITTMAN. I believe that is correct.

Mr. ST. CLAIR. Thank you.

Now, sir, directing your attention to—strike that.

In the course of your investigation, did you ascertain what had happened to the contents of this safe? I think you mentioned perhaps the FBI had acquired all or some of them?

Mr. BITTMAN. Well, I learned certain information and as time went on, I learned other information.

Mr. ST. CLAIR. I see. Did you ever learn that the FBI had acquired all or some of the contents of this safe?

Mr. BITTMAN. I was informed by the prosecutors, both in their written response to my motion to suppress and in conversations with them, that all of the items and material that was in Hunt's safe had been first turned over to the FBI and then by the FBI to the prosecutors. I know that that is not true.

Mr. ST. CLAIR. So that you were informed initially that at least some of the information had been turned over to the FBI?

Mr. BITTMAN. No, sir, I had been informed that all the information had been—

Mr. ST. CLAIR. Well, at least some of it. That is semantics.

I withdraw the question.

Mr. BITTMAN. It may be semantics, but I was informed that all of it was and I went down there to examine the information that had been turned over, and indicated not only to the prosecutors but also to the FBI agent in charge that this was not everything that was in Mr. Hunt's safe. The FBI showed me the personal inventory at that time in an effort to reassure me that everything was there.

Mr. ST. CLAIR. That is, you gathered from what the FBI told you that they thought they had the entire contents of the safe?

Mr. BITTMAN. Those representations were made to me.

Mr. ST. CLAIR. You thought it was inappropriate that the FBI had any part of the contents of this safe?

Mr. BITTMAN. Certainly. I wanted to—this information was my client's property and I was defending him in a criminal case and I wanted to review it to find out if it was germane to the case in which he was charged.

Mr. ST. CLAIR. Did they let you review what they had?

Mr. BITTMAN. They let me review what they had, yes, sir.

Mr. ST. CLAIR. Thank you. And that was consistent with the practices as you understood them, presumably as Mr. Doar understands them?

Mr. BITTMAN. That is correct. But of course, they didn't permit me that review until I filed the motion to suppress and Judge Sirica so ruled.

Mr. ST. CLAIR. You weren't surprised about that, were you?

Mr. BITTMAN. I asked to review it before I even filed the motion and they would not show it to me.

Mr. ST. CLAIR. Well, sir, let's move along.

The motion itself, I guess, was ever acted upon because of the ultimate decision of your client to plead guilty?

Mr. BITTMAN. That is correct.

Mr. ST. CLAIR. At this conversation on July 6, do I understand that you made or a discussion took place as to who your client worked for?

Mr. BITTMAN. No sir, I informed them that I had been informed that Mr. Hunt was working for Mr. Liddy.

Mr. ST. CLAIR. I see. You informed the others at this meeting?

Mr. BITTMAN. Yes sir.

Mr. ST. CLAIR. But at that time, you did not know, as I understand it, who Mr. Liddy was or for whom he worked?

Mr. BITTMAN. No; I don't think that is correct.

Mr. ST. CLAIR. What was your understanding as to who Mr. Liddy was and for whom he worked?

Mr. BITTMAN. I believe that I learned within 3 days after I began representing Mr. Hunt that Mr. Liddy was general counsel to at least one of the committees of the CRP; whether or not it was the Finance committee or not, I don't know if I knew at that time. But I knew he was an attorney for one of the committees.

Mr. ST. CLAIR. And Hunt worked for him?

Mr. BITTMAN. That is what I mentioned at this meeting.

Mr. ST. CLAIR. All right.

Now, sir, with respect to Hunt's employment, from what organization, if you know, did he receive compensation for the period of time following the end of March 1972?

Mr. BITTMAN. Do I know what my knowledge was at the time or what my knowledge is now?

Mr. ST. CLAIR. Well, first at the time and now if you can help us.

Mr. BITTMAN. I am not sure that I had that specific knowledge at the time.

Mr. ST. CLAIR. Well, then what is your current knowledge?

Mr. BITTMAN. The current knowledge is that from time to time, he would receive funds, apparently from Mr. Liddy.

Mr. ST. CLAIR. Did you ever hear of Mullen & Co.?

Mr. BITTMAN. Yes sir, I have, but of course, at the time that I represented Mr. Hunt, he had been fired by Mullen & Co.

Mr. ST. CLAIR. I see. Did he ever work for the Mullen & Co. or was he compensated by that company during any of the time that he worked for you?

Mr. BITTMAN. No. When he was my client, not when he worked for me.

Mr. ST. CLAIR. Excuse me, when he was your client.

Mr. BITTMAN. I had been informed by Mr. Mullen that they were going to fire him or had fired him.

Mr. ST. CLAIR. What was the reason for those conversations?

Mr. BITTMAN. I wanted to find out if he was employed, if Mr. Hunt received any additional compensation. If they had fired him, I wanted to find out whether or not he was entitled to any severance pay.

Mr. ST. CLAIR. Whom did you talk to at Mullen & Co.?

Mr. BITTMAN. Mr. Bennett.

Mr. ST. CLAIR. Did you know anything about Mullen & Co. at the time?

Mr. BITTMAN. Only that Mr. Hunt was vice president.

Mr. ST. CLAIR. Is that all you knew about it?

Mr. BITTMAN. Gradually I learned more about it, Mr. St. Clair, but I knew very little about it at the time.

Mr. ST. CLAIR. At the time. I see.

When did Mr. Bennett tell you that Mr. Hunt had been fired, if he did?

Mr. BITTMAN. I am sure it would be sometime during the first 2 or 3 weeks that I had been retained by Mr. Hunt.

Mr. ST. CLAIR. So that it was your understanding from Mr. Bennett's statements that Hunt had been fired sometime early in July?

Mr. BITTMAN. I don't recall exactly when he had been fired, but at some time, he had been fired or dismissed or—I don't think he ever resigned, let me put it that way.

Mr. ST. CLAIR. All right.

My question is then, sir, was it at that or from other information available to you that you learned that Mr. Hunt had worked for Mullen & Co. from March 30, I guess, until early July 1972?

Mr. BITTMAN. Yes, sir; I learned that—

Mr. ST. CLAIR. So that—I am sorry, finish.

Mr. BITTMAN. I learned that Hunt had been employed by Mullen & Co. ever since he resigned from the CIA up until the time he had been fired by the Mullen Co. following the break-in on June 17.

Mr. ST. CLAIR. It was your information that Mr. Hunt, even while he was on the payroll at the White House, was in the employ of the CIA?

Mr. BITTMAN. No, sir; I don't think I said that. I said Mr. Hunt had been employed by Mullen & Co. following his resignation from the CIA.

Mr. ST. CLAIR. When was that?

Mr. BITTMAN. I don't recall the specific date when he resigned from the CIA.

Mr. ST. CLAIR. Approximately? Say the year?

Mr. BITTMAN. I don't know. Approximately a year and a half. But when he resigned from the CIA, he then became employed by Mullen & Co.

Mr. ST. CLAIR. Then he went on the White House?

Mr. BITTMAN. Yes, sir; he was on the White House payroll and in the Mullen Co. employ simultaneously.

Mr. ST. CLAIR. So he continued on the Mullen & Co. payroll after he left the White House payroll. Is that your understanding?

Mr. BITTMAN. That is a difficult question to answer, because I—

Mr. ST. CLAIR. Well, he was fired July 1972?

Mr. BITTMAN. No; but I don't think Mr. Hunt accepts the fact that he did not work for the White House after late March 1972.

Mr. ST. CLAIR. I didn't ask whether he worked for. I said was paid compensation for a period of time after March 30. You said he was not paid compensation.

Mr. BITTMAN. To my knowledge, he was not.



Mr. ST. CLAIR. Did he continue to receive compensation from Mullen & Co. after March 30, 1972, to your knowledge?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Up until such time as he was discharged in early July 1972.

Mr. BITTMAN. Whenever that was. I don't know.

Mr. ST. CLAIR. Whenever that was. Thank you, sir.

In addition, I take it, on Mr. Hunt's behalf, you made efforts to find out about the availability of a pension from, arising from his service with the CIA?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Do you recall in that connection a suggestion that maybe he ought to go back on the CIA payroll for a short period of time so as to in some way solidify his claim?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. You don't? All right.

Now, you said, sir, that you had received a call from a man named Rivers of a rather peculiar nature relating to scripts and writers and the like. Is that right?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. And you said that in the course of your meeting on July 6, Mr. O'Brien had alluded to a similar type of conversation?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Did Mr. O'Brien, in the course of that meeting, indicate that he was as curious or as surprised by the type of conversation as you were?

Mr. BITTMAN. He indicated it was a curious call. I don't recall that he hung up on Mr. Rivers like I did.

Mr. ST. CLAIR. I see. Have you told us, so I can recall, what O'Brien said about a similar call being placed on him?

Mr. BITTMAN. That is all I recall. It was mentioned in a very cavalier way.

Mr. ST. CLAIR. Mr. Parkinson, however, later in the day said that Rivers was OK. to talk to.

Mr. BITTMAN. I believe it was that evening.

Mr. ST. CLAIR. That evening?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Were you a friend of Mr. Parkinson's incidentally?

Mr. BITTMAN. The first time I met him in my life was that morning in the office of Mr. Mardian, but I was aware of his reputation in the law firm of which he was a partner.

Mr. ST. CLAIR. Were you a friend of Mr. O'Brien's?

Mr. BITTMAN. I had never met him up until that day.

Mr. ST. CLAIR. And you had met Mr. Mardian, but I believe only briefly.

Mr. BITTMAN. I believe someone introduced me to him at one time.

Mr. ST. CLAIR. So these were not friends or close professional associates?

Mr. BITTMAN. That is right. I had met Mr. Jackson on prior occasions.

Mr. ST. CLAIR. But still only on a professional matter?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Now, when you received this call from Mr. Park-

inson, you felt that Mr. Parkinson would be authorized to—well, let me restate it.

You said you knew Mr. Parkinson and respected his reputation, as I recall your testimony?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. And you felt that basically, when he called you and said that Rivers was all right to talk to, that he in substance was vouching for him?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Is that right?

Vouching for something that was legitimate, I take it?

Mr. BITTMAN. Absolutely.

Mr. ST. CLAIR. That was what you intended, at least your state of mind was, that Mr. Parkinson would vouch for something that was legitimate and you would accept his word for that?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. All right. Then I think you told Mr. Doar that in your mind, as a result of that call from Mr. Parkinson, you believed, either then or sometime shortly thereafter, that this was a representative of a defense fund, so-called, is that right?

Mr. BITTMAN. That was my feeling; yes, sir.

Mr. ST. CLAIR. And you told us that as a result of one or more conferences with your client and certain other events, as my notes indicate, you concluded that there was in existence a defense fund?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. You were aware of who the several defendants were in addition to your client, were you not?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. You were also, of course, familiar with your own client's general business affairs?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. And did you have a belief that your client would be able personally to pay the legal fees that were likely to occur from his own funds?

Mr. BITTMAN. That is a difficult question to answer, because I think the totality of my representation greatly exceeded what our—well, let me rephrase that.

Mr. ST. CLAIR. You had to do a lot more work than you thought you were going to have to do?

Mr. BITTMAN. That is exactly correct. I don't think anyone anticipated in early July 1972 how much work would be involved in the criminal and civil cases.

Mr. ST. CLAIR. It may come of interest to you that I am sympathizing with you.

Now, sir, your initial suggestion to him of a retainer was \$25,000 in cash—\$25,000, was it not?

Mr. BITTMAN. Yes, sir. I never asked for cash.

Mr. ST. CLAIR. I am sorry. I didn't mean to infer that you did.

Did you feel from what you know of your client's affairs that he could afford \$25,000 as a retainer?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Out of his own funds?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. All right. Did you think that the other defendants were in a position to pay substantial legal fees out of their own funds, if you thought about it at all?

Mr. BITTMAN. If I thought about it, I would have thought Mr. Liddy could, being a practicing attorney for some years. But I would certainly have had some doubt of the Cuban-Americans.

Mr. ST. CLAIR. I see. Did these circumstances support your view that there must be in existence a defense fund?

Mr. BITTMAN. Yes, sir, because of the F. Lee Bailey firm and Henry Rothblatt representing these individuals.

Mr. ST. CLAIR. Mr. Bailey is not noted for the smallness of his fees, is he?

Mr. BITTMAN. That is my understanding.

Mr. ST. CLAIR. I don't mean to be discourteous. He comes from my city and in fact, I am representative—

Mr. BITTMAN. I don't think Mr. Rothblatt is noted for his small fees, either.

Mr. ST. CLAIR. They were highly regarded in their professions, as you know?

Mr. BITTMAN. They had the reputation of being top criminal defense lawyers.

Mr. ST. CLAIR. Now, what other events, other than conversations with your client, supported your view that there was in existence a defense fund?

Mr. BITTMAN. I would say principally the enormous publicity that surrounded the civil suit that had been filed by the Democrats against the Republicans.

Mr. ST. CLAIR. And you felt that the Republicans therefore were under some pressure to provide a defense, is that it?

Mr. BITTMAN. To at least make sure that these people were adequately represented, yes, sir.

Mr. ST. CLAIR. And was that your understanding from all of the circumstances and from all of the information available to you as to the existence and purpose of this fund?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Were you ever told at any time of any quid pro quo for this defense fund on the part of your client that he would keep quiet?

Mr. BITTMAN. Never. By anyone.

Mr. ST. CLAIR. Would you have had anything to do, sir, with any such arrangement?

Mr. BITTMAN. No, sir, I would have gotten out of the case immediately if anyone had ever suggested that I do anything in behalf of Mr. Hunt that I didn't feel was essential in his behalf.

Mr. ST. CLAIR. Do you have any reason to believe—just yes or no—that Mr. Hunt concealed anything from you as his attorney?

Mr. BITTMAN. I can't answer that question yes or no.

Mr. ST. CLAIR. You mean because of an attorney-client privilege?

Mr. BITTMAN. No; it is just that there were many things that I learned at later dates and I don't want to suggest that these things were willfully concealed from me, but certainly I did not have the totality of all of the facts early on in the representation.

Mr. ST. CLAIR. I see. Well, at least at the time, did you have any reason to believe that Mr. Hunt was concealing anything from you?

Mr. BITTMAN. I would say it took a while to develop the kind of relationship with him where he would tell me additional facts that I needed to know. I mean I was not known as a Republican. He would come to my office and see a picture of J. Edgar Hoover and Bobby Kennedy on the wall, and I think that it took a while before we developed the kind of relationship that was necessary. So therefore, some of the facts came slowly.

Mr. ST. CLAIR. But eventually, you became reasonably close to him, did you not?

Mr. BITTMAN. I did.

Mr. ST. CLAIR. And you did a great number of things for him and his family that probably weren't really called for, is that right?

Mr. BITTMAN. Yes; I did, that is right.

Mr. ST. CLAIR. You in fact are a Democrat, aren't you?

Mr. BITTMAN. I am an Independent.

Mr. ST. CLAIR. All right.

Now, sir, how often would you see Mr. Hunt during, let's say, the latter part of 1972—just briefly?

Mr. BITTMAN. Virtually every day.

Mr. ST. CLAIR. This has always been a matter of some interest. You say that you were logging about 60 billable hours a week on behalf of Mr. Hunt?

Mr. BITTMAN. No, sir, on behalf of all clients. I was representing—

Mr. ST. CLAIR. I am sorry, on behalf of all of your clients.

Mr. BITTMAN. I was in charge of approximately 14 protracted matters during this period of time, the representation of Howard Hunt being one of them.

Mr. ST. CLAIR. I see. Then I misunderstood your testimony. Can you help us as to approximately how many hours during the latter part of 1972 you would log for Mr. Hunt or members of his family, on an average, just so we get a feel for it?

Mr. BITTMAN. It varied substantially. I would say about one-third of my time.

Mr. ST. CLAIR. Well, one-third of your—

Mr. BITTMAN. I mean, for example, I started a protracted trial on October 30, 1972, so obviously, during that period of time, I put in virtually no time. So it did vary. But I would say on an average, it would be about one-third.

Mr. ST. CLAIR. And later, in the first part of 1973, up until the time that you ceased to represent him on an average, could you give us an idea?

Mr. BITTMAN. From March—after March 23, 1973, the time increased substantially because of the numerous appearances that Mr. Hunt had before the grand jury, the Senate Watergate Committee, the Armed Services Committee, the Los Angeles District Attorney, and maybe two or three that I can't remember.

Mr. ST. CLAIR. Well, what about the period from January 1, 1973, up until March 23?

Mr. BITTMAN. I would say that my time would have been substantially decreased during that period of time. After January 11, which was the date that he pleaded guilty.

Mr. ST. CLAIR. After January 11, and then up until March 23, 1973, you devoted small amounts of time to Mr. Hunt, is that right?

Mr. BITTMAN. Yes; I really can't give you a percentage, but it certainly was not as high as a third.

Mr. ST. CLAIR. I observe, if my mathematics is right, that by March 16 or 19, whichever, the accrued legal fees, according to at least what Mr. Hunt's belief was, were \$75,000.

Mr. BITTMAN. I have never made that mathematical calculation in my life, so I can't tell you about it.

Mr. ST. CLAIR. Well, you received a payment of \$60,000?

Mr. BITTMAN. This April, early April.

Mr. ST. CLAIR. That was for services already rendered?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. And you had already been paid \$26,000?

Mr. BITTMAN. No, I received \$1,000, \$20,000, and \$50,000 up until that time.

Mr. ST. CLAIR. Would you add those up for me? I can't do it.

Mr. BITTMAN. That is \$96,000 that I had received for attorneys' fees—

Mr. ST. CLAIR. Up until that time.

Mr. BITTMAN [continuing]. After January 2 or some such date when the \$50,000 was paid.

Mr. ST. CLAIR. And in addition to that, there was then an arrearage that was satisfied by the payment of \$60,000?

Mr. BITTMAN. Yes, sir. I think generally that is true.

Mr. ST. CLAIR. So that \$150,000 represented the services rendered to March 21—

Mr. BITTMAN. Through March.

Mr. ST. CLAIR. Through March?

Mr. BITTMAN. Yes.

Mr. ST. CLAIR. Did you ever receive compensation for services rendered, if you rendered any, after the end of March 1973?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. Did you bill for it?

Mr. BITTMAN. I had discussions with Mr. Hunt, but I never billed for it.

Mr. ST. CLAIR. Did your firm ever bill for it?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. You devoted a great deal of time on Mr. Hunt's behalf, did you not, during that period following the end of March 1973?

Mr. BITTMAN. A substantial amount of time.

Mr. ST. CLAIR. Could you give us some estimate of the number of hours, roughly?

Mr. BITTMAN. I can't, but I am sure the legal fees that accumulated after March 1973 must exceed \$50,000.

Mr. ST. CLAIR. For which Mr. Hunt has never been billed, and of course, has never paid?

Mr. BITTMAN. That is correct.

Mr. ST. CLAIR. Now, sir, with respect to Mr. Hunt's plea of guilty—just yes or no—I assume he discussed that with you?

Mr. BITTMAN. He did.

Mr. ST. CLAIR. You, I think, mentioned that in the course of your examination by Mr. Doar, that there was some connection between that decision and the unfortunate death of his wife?

Mr. BITTMAN. Mr. Hunt spoke to me about that very matter on his way back from Chicago on December 10, 1972, at my home.

Mr. ST. CLAIR. And I take it—

Mr. DONOHUE. We will now recess until 2 o'clock because of the quorum calls.

[Whereupon, at 12:15 p.m., the committee recessed to reconvene at 2 p.m., the same day.]

#### AFTERNOON SESSION

The CHAIRMAN. The committee will come to order. And Mr. Bittman, I remind you you are still under oath.

Mr. BITTMAN. Thank you, Mr. Chairman.

Mr. Chairman, before Mr. St. Clair resumes his questioning, can I make a very short statement to clarify the record?

The CHAIRMAN. Of course. Proceed.

Mr. BITTMAN. According to my recollection, toward the end of the proceedings this morning Mr. St. Clair was questioning me concerning how many hours I was putting in on behalf of Mr. Hunt in the first 3 months of 1973. And I believe I testified that time that I was putting in on behalf of Mr. Hunt was substantially curtailed during that period of time. I reflected on that over the luncheon hour and I recalled something which I did not recall this morning and that is that in the latter part of January 1973 Judge Richey lifted the stay order on the civil proceedings and therefore commencing the latter part of January 1973, the civil cases again became active.

And in checking a summary that I prepared for myself, I note that I put in 256 hours of time on behalf of Mr. Hunt during the first 3 months of 1973.

Of course, that time would not include hours that were put in by other attorneys in my law firm and I wanted to clarify.

The CHAIRMAN. Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

Mr. Bittman, I think at the noon recess I had commenced to ask you questions concerning Mr. Hunt's decision to plead guilty. Am I correct in my memory that that decision was based on his family situation that resulted from the untimely death of his wife?

Mr. BITTMAN. It was almost solely based upon the effect that the death of his wife had upon his family and himself.

Mr. ST. CLAIR. Now, at some point you told Mr. Doar that you reviewed your relationship with Mr. Hunt with the executive committee of the members of your firm. Is that correct?

Mr. BITTMAN. Could I have the question read back, please?

[Reporter reads prior question.]

Mr. BITTMAN. I don't think that's correct.

Mr. ST. CLAIR. Well, did you—I have a memory that you said that at least insofar as the fee arrangements were concerned and/or the manner of payment was concerned, you took that up with some, with the executive committee of the firm?

Mr. BITTMAN. I discussed the receipt of the \$25,000 on July 7, 1972

with the entire executive committee but did not the relationship with Howard Hunt.

Mr. ST. CLAIR. May I ask you, Mr. Mittler attended the first meeting you attended after you were retained by Mr. and Mrs. Hunt as I recall it?

Mr. BITTMAN. That is correct.

Mr. ST. CLAIR. Did he continue an association with you in this case?

Mr. BITTMAN. He worked with me very closely throughout my relationship with Mr. Hunt.

Mr. ST. CLAIR. I see. And did anyone else in the firm also assist you?

Mr. BITTMAN. We had as many as five, six or seven lawyers working on behalf of the various matters at any given time, depending on where we were. But, I would say altogether during the 9-month period we could have had as many as 15 different lawyers that at one point had worked on a particular Hunt matter, motion, pleading or what have you.

Mr. ST. CLAIR. But Mr. Mittler was sort of your assistant throughout the entire representation?

Mr. BITTMAN. Well, he was a partner and he and I worked very closely, although I was the attorney in charge.

Mr. ST. CLAIR. I see. Well, with respect to the receipt of the \$25,000, was it the fact that it was paid to you in cash that you felt should be reviewed with the committee?

Mr. BITTMAN. Both the fact that it was in cash and the manner of the payment.

Mr. ST. CLAIR. You will have to refresh my memory. What was the manner of the payment?

Mr. BITTMAN. Well, the fact—

Mr. ST. CLAIR. Down in the lobby?

Mr. BITTMAN. A telephone call to receive the envelope that was in the lobby.

Mr. ST. CLAIR. I see. After reviewing that I assume you told the committee everything that was appropriate to tell them with respect to the fee arrangement and the manner in which it was paid?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. And after reviewing the matter, they approved it and accepted the funds and deposited them in the firm account?

Mr. BITTMAN. They did.

Mr. ST. CLAIR. Did you have occasion thereafter to discuss with members of the firm your financial arrangements and the manner of payment with Mr. and Mrs. Hunt?

Mr. BITTMAN. As I indicated before, the receipt of the \$20,000 was discussed and was given to the office manager on or about October 13, 1972. And from time to time I would have a discussion with a member of the executive committee concerning the fact that the legal fees were building up.

Mr. ST. CLAIR. Or he would have a discussion with you about them?

Mr. BITTMAN. It could well have been that way; yes, sir.

Mr. ST. CLAIR. But in any event on the \$20,000-payment, again I take it you reviewed the manner of that payment with someone else in the firm?

Mr. BITTMAN. It is my recollection I discussed it with a member of the executive committee.

Mr. ST. CLAIR. And you told them all you knew that was pertinent to the subject?

Mr. BITTMAN. Well, that is correct. There wasn't much to know, just a telephone call with the envelope that I gave to Mr. Hunt.

Mr. ST. CLAIR. In any event the member of the executive committee of the firm raised no objection to it and the money was accepted and deposited in the firm account?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. All right. Did you have occasion to discuss with members of the executive committee of the firm any other aspect of your relationship with Mr. Hunt, let's say at least prior to March 31, 1973?

Mr. BITTMAN. I could have mentioned to them the receipt of the \$50,000 in January 1973 and the \$60,000 in April 1973.

I don't recall as far as the \$20,000 or whether or not I discussed that immediately with a member of the executive committee. I am not sure either, although I immediately gave it to the administrator of the firm who deposited it into the regular firm account.

Mr. ST. CLAIR. On the \$50,000 do you recall now whether or not you discussed the circumstances of that payment with any member of the firm?

Mr. BITTMAN. I don't recall whether I did or not.

Mr. ST. CLAIR. I see.

Mr. BITTMAN. Although——

Mr. ST. CLAIR. I am sorry.

Mr. BITTMAN. Although because of the way that money was paid I probably did. I just don't recall a conversation with any particular individual. If you want me to get into that payment I will.

Mr. ST. CLAIR. Well, why don't you tell us about that payment?

Mr. BITTMAN. Well, one of the matters that we are handling for Howard Hunt was the administration of his wife's estate, and she had taken out \$250,000 of insurance on the flight, on the fatal flight. And those insurance policies were turned over to me to be processed by the firm. And based on conversations I had with Mr. Hunt, he eventually endorsed in January a \$75,000 check from Mutual of Omaha to the law firm of Hogan & Hartson to pay for \$50,000 in legal fees. I then had the firm prepare a \$25,000 check back to Mr. Hunt. Now I would assume when I made those arrangements that someone in the firm was aware of it. The checks have to be cosigned, but I just don't recall specifically what, if any conversation I had concerning it.

Mr. ST. CLAIR. So that out of the \$150,000 odd of legal fees paid to Hogan & Hartson, to your knowledge, \$50,000 out of that came out of insurance policy proceeds due the estate of Mrs. Hunt?

Mr. BITTMAN. I believe \$100,000 came out of the estate of Dorothy Hunt.

Mr. ST. CLAIR. \$100,000?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Came out——

Mr. BITTMAN. And possibly \$110,000.

Mr. ST. CLAIR. And possibly \$110,000. Can you identify the other payments of legal fees?

Mr. BITTMAN. Yes, sir.



Mr. ST. CLAIR. That you describe as coming from the proceeds of the insurance policy?

Mr. BITTMAN. Well, I just mentioned the \$50,000. I will now move to early April of 1973, and at that time there was \$100,000 in a savings account at the Riggs Bank which had been used as collateral for Mr. Hunt's bond. And the surety released his claim on that savings account after Mr. Hunt went to jail and that \$100,000 bond had been set up as a result of proceeds of the insurance policies. And Mr. Hunt signed documents releasing \$50,000 of that savings account to the firm for another \$50,000 of legal fees.

In addition to that, I had been holding a \$10,000 cashiers check for him in the safe in my office. Before he went to jail he gave me that \$10,000 and asked me to hold it for him in the event there was any family emergency. And I was told to also use that \$10,000 to make up for \$60,000. Since it was a cashier's check from Riggs I don't know the source of that money.

Mr. ST. CLAIR. But you can identify \$100,000 of the total of \$156,000 as coming from the insurance proceeds?

Mr. BITTMAN. Yes; I can.

Mr. ST. CLAIR. And it may be, as I understand your testimony, that an additional \$10,000 as well?

Mr. BITTMAN. It could be.

Mr. ST. CLAIR. Might have been paid out of those proceeds?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. Has Mrs. Hunt's estate been finally settled?

Mr. BITTMAN. I don't know. That matter has been turned over to Mr. Snyder in Baltimore and I don't know the present posture of it.

Mr. ST. CLAIR. Thank you. Well now, you mentioned this morning that you had received something on the order of 100 envelopes on behalf of Mr. and Mrs. Hunt. Do I get the impression that they were directing the correspondence of mail to you for their benefit or their account?

Mr. BITTMAN. I don't know. There were numerous letters that were sent to my home and to my office in care of Mr. Hunt and there were also—

Mr. ST. CLAIR. To Mr. Hunt care of you?

Mr. BITTMAN. Care of me, that's correct.

Mr. ST. CLAIR. I see.

Mr. BITTMAN. And as I said this morning there were letters, envelopes that were sent to Mr. Hunt care of the U.S. attorney's office and care of the Senate Watergate Committee. All of these envelopes would be given to Mr. Hunt by me unopened.

Mr. ST. CLAIR. I see.

Now, did you receive hand delivery of envelopes other than the three or four that you have testified you received as a result of calls from a Mr. Baker?

Mr. BITTMAN. The only other instance that I can recall receiving an envelope that was hand delivered was at the funeral of Dorothy Hunt which I attended, and at some time during the course of the funeral Mr. Colson's secretary gave me an envelope, sealed envelope and asked me to deliver it to Mr. Hunt which I did.

Mr. ST. CLAIR. Did you ever ascertain the nature of the enclosure?

Mr. BITTMAN. Some time later, I am sure in connection with the grand-jury proceedings I learned that it was a letter of condolences from Mr. Colson to Mr. Hunt.

Mr. ST. CLAIR. Thank you. Now, sir, with respect to exhibits 1 and 2<sup>1</sup> that have been marked and received in evidence in connection with your testimony, can you tell us first whether these are the only written accountings sent to you by Mrs. Hunt?

Mr. BITTMAN. To the best of my recollection, that is correct.

Mr. ST. CLAIR. Did you request these?

Mr. BITTMAN. I did not.

Mr. ST. CLAIR. Were you surprised to receive them?

Mr. BITTMAN. Yes, I was.

Mr. ST. CLAIR. Did you undertake to reject them or to return them?

Mr. BITTMAN. No, I did not.

Mr. ST. CLAIR. Do you know any reason why Mrs. Hunt would feel obligated to account to you for distribution of funds to the person she has listed on each of these exhibits?

Mr. BITTMAN. The only way I can respond to the question is by directing your attention to the substance of the first paragraph of the memorandum dated September 19, 1972, which indicates that she had been asked by Mr. Rivers to make an accounting.

Mr. ST. CLAIR. I understand. But, the accounting is not to Mr. Rivers, it is to Mr. William O. Bittman.

Mr. BITTMAN. That's right. She asked me to show or hand these to Mr. Parkinson which I did.

Mr. ST. CLAIR. I see. I was going to ask you what you did with them.

Mr. BITTMAN. And they were then put in my file and that is where they remained until I turned them over to the Special Prosecutor's office.

Mr. ST. CLAIR. Well, were they shown to Mr. Parkinson or delivered to him?

Mr. BITTMAN. They were shown to him and I recall he Xeroxed one of them. I don't recall if he Xeroxed both.

Mr. ST. CLAIR. I see. But you kept then the originals in your file?

Mr. BITTMAN. I kept the originals.

Mr. ST. CLAIR. Did you do anything else with respect to them, such as check their accuracy or anything like that?

Mr. BITTMAN. No, sir. I showed them to Mr. Parkinson, put them back in my file, and that's where they remained.

Mr. ST. CLAIR. Do you know who made the distributions which are referred to in each of these exhibits?

Mr. BITTMAN. The only knowledge that I have, only specific knowledge I have is the testimony before the Senate Watergate Committee and I believe Mr. Hunt testified about this in some detail. That's the only knowledge that I have.

Mr. ST. CLAIR. And you didn't learn that until he testified in the Senate Select Committee?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. Well, did you speak—just yes or no—did you speak to Mr. Hunt about these accountings which when you received them from his wife?

Mr. BITTMAN. No, sir.

<sup>1</sup> See pp. 17 and 19.

Mr. ST. CLAIR. Do you know what is meant in the Bittman exhibit 2 by the term "income replacement"?

Mr. BITTMAN. I believe I do.

Mr. ST. CLAIR. What do you understand that to mean?

Mr. BITTMAN. That that would be moneys paid to Mr. and Mrs. Hunt for income that they have lost because Mr. Hunt lost both of his jobs and Mrs. Hunt was also fired by the Spanish Embassy shortly after the Watergate break-in.

Mr. ST. CLAIR. And insofar as Mr. Barker, and Mr. Sturgis, and Mr. Martinez and Mr. Gonzales are concerned, what do you understand the term to mean?

Mr. BITTMAN. Well, I can't direct myself specifically to them but I understand that all of the defendants lost their employment as a result of the Watergate break-in.

Mr. ST. CLAIR. I see. And it was your understanding this was intended to replace the lost income?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Thank you.

Now, sir, directing your attention to an occasion on which Mr. Hunt, to your knowledge, met with Mr. O'Brien sometime prior to March 16, can you tell us the circumstances of such meeting?

Mr. BITTMAN. I recall that Mr. O'Brien wanted to talk to Mr. Hunt with respect to Mr. Hunt's testimony before a congressional committee. I don't even recall now if it was the Senate Watergate Committee or it was the possibility of the Patman committee or some committee Senator Kennedy was on, but I know he wanted to talk to Mr. Hunt about that. And based on my recollection he did have such a conversation with Mr. Hunt outside of my presence in February.

Mr. ST. CLAIR. Did he make arrangements for the meeting through you?

Mr. BITTMAN. I don't believe so. As I said this morning it could have even been a chance meeting because I don't have any recollection of Mr. O'Brien calling me or my calling Mr. O'Brien to set it up. I would have had no reason to set up the meeting but I do recall such a meeting took place.

Mr. ST. CLAIR. But Mr. O'Brien would have every reason to make an arrangement to see your client through you?

Mr. BITTMAN. That's correct and Mr. O'Brien was the attorney for the CRP at the time.

Mr. ST. CLAIR. And in the normal course of events you would expect that he would make arrangements through you to see your client?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. And seek your permission?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. Do you recall now that any such arrangements were made?

Mr. BITTMAN. It would not surprise me if I did make such a call. I just don't recall it.

Mr. ST. CLAIR. Do you have any recollection of objecting to the interview?

Mr. BITTMAN. No; if it was limited to that I would have had no objection at all.

MR. ST. CLAIR. And do you know whether or not—do you know anything about whether or not an interview took place or what transpired during the course of it?

MR. BITTMAN. I believe that such interview did take place, that there was a very general discussion about the testimony by Mr. Hunt, and that's all I know.

MR. ST. CLAIR. I see. You were not present?

MR. BITTMAN. I was not present; no.

MR. ST. CLAIR. Now, sir, you told Mr. Doar that you believe it was on March 16 that Mr. Hunt was in your office and requested another meeting with Mr. O'Brien. Do you recall that testimony?

MR. BITTMAN. Well, I don't think that's exactly correct. You indicated that Mr. Hunt requested another meeting with Mr. O'Brien. I don't believe Mr. Hunt requested the first meeting.

MR. ST. CLAIR. Well, I didn't mean to assert that he did request it. But that he have a meeting with Mr. O'Brien?

MR. BITTMAN. Yes, sir.

MR. ST. CLAIR. And the meeting, the suggestion of a meeting with Mr. O'Brien came from Mr. Hunt?

MR. BITTMAN. Yes, sir.

MR. ST. CLAIR. All right. Did he seek—just yes or no—did he seek your advice with respect to such a meeting?

MR. BITTMAN. No, sir.

MR. ST. CLAIR. As a result of it, I take it that it was sort of an instruction you received from Mr. Hunt?

MR. BITTMAN. It was. You have to recall that this was approximately a week before he was going to jail and Mr. Hunt was very emotional and was under tremendous pressure during that period of time.

MR. ST. CLAIR. Do you have a record—you do have a record that he was in your office on that date from 2 to approximately 3 o'clock?

MR. BITTMAN. Yes, I do.

MR. ST. CLAIR. Do you have a record that he was in your office on the following Monday, the 19th?

MR. BITTMAN. No, sir.

MR. ST. CLAIR. Do you have a memory that he was in your office on the following Monday?

MR. BITTMAN. No, sir, I have no reference of any time for Mr. Hunt on March 19 at all.

MR. ST. CLAIR. And you have made an effort to find out, I take it?

MR. BITTMAN. Yes, I have. I have reviewed my record.

MR. ST. CLAIR. Now, with respect to the week ending March 16, do you recall whether or not Mr. Hunt had been in your office on any earlier day during that week—earlier than the 16th?

MR. BITTMAN. I would have to check; I just don't recall.

MR. ST. CLAIR. You have not checked that?

MR. BITTMAN. I don't recall specifically checking that. I know he was in my office subsequent to the 16th but not on the 19th because he and I spent many hours together preparing his statement that he made subsequently before Judge Sirica at the time of sentencing on March 23.

MR. ST. CLAIR. I see. But you did satisfy yourself from your records at least that he was not in your office on the 19th?

Mr. BITTMAN. That's right. The reason I made that inquiry is because I had been asked that specific question.

Mr. ST. CLAIR. Right. And you searched your memory as well?

Mr. BITTMAN. That's correct. I have no recollection of talking to Mr. Hunt or seeing Mr. Hunt on that date.

Mr. ST. CLAIR. Is it your best memory, then, that this request of Mr. Hunt that you contact Mr. O'Brien for him took place on the 16th?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. All right. Did Mr. Hunt tell you—just yes or no—what he wanted to talk to Mr. O'Brien about?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. And did you convey that information to Mr. O'Brien when you made the request that he come over to see your client?

Mr. BITTMAN. Either I stated that to him in the telephone conversation or when Mr. O'Brien was briefly in my office before he spoke with Mr. Hunt.

Mr. ST. CLAIR. And would you tell us in substance what it was that you said to Mr. O'Brien that your client had told you was the purpose of the visit?

Mr. BITTMAN. I told Mr. O'Brien in substance that Mr. Hunt was probably going to go to jail within a week and that certain commitments had been made to him concerning his living expenses and legal fees and that he wanted to discuss that matter with him.

Mr. ST. CLAIR. Have you finished your answer?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. In substance, that's all that you can recall that you said to Mr. O'Brien regarding the purpose of this requested visit?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. Was this the first time that you had heard anything about commitments?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. When did you first learn anything about commitments?

Mr. BITTMAN. During the first few days of my representation of Howard Hunt.

Mr. ST. CLAIR. From what source or sources did you learn of such commitments?

Mr. BITTMAN. Well, we are kind of going in and around.

Mr. ST. CLAIR. I understand.

Mr. BITTMAN. But let me—I would like to end it at this point but based on conversations with Mr. Hunt.

Mr. ST. CLAIR. Thank you. And I would like to inquire—I don't want to inquire into conversations—I just want to know where you learned it, sir.

Now, sir, did you learn of any such commitments from any other sources at or about that time?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. Did you learn of any such commitments from any other sources at any other time prior to March 16?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. From what other sources and when?

Mr. BITTMAN. The conversation that I had with Kenneth Parkinson.

Mr. ST. CLAIR. And when approximately was that?

Mr. BITTMAN. I would say October or November of 1972.

Mr. ST. CLAIR. Can you fix the place, or the manner in which you learned it?

Mr. BITTMAN. I believe it was in my automobile with Mr. Mittler present and Mr. Parkinson and then a subsequent luncheon that I had with him on Sunday at the Mayflower Hotel.

Mr. ST. CLAIR. During that same week?

Mr. BITTMAN. I believe it was within the same several day period.

Mr. ST. CLAIR. Would you tell us in substance what you were told by Mr. Parkinson regarding the so-called commitments?

Mr. BITTMAN. Well, basically what I asked Mr. Parkinson was that Mr. Hunt had been informing me that he had received commitments or assurances that his legal fees and living expenses were going to be taken care of. And I said, in Mr. Hunt's opinion, this has not been done and he is very concerned about it. I said I don't have any idea of the specifics of these commitments but I said I would like you to determine if you can, whether or not such commitments were, in fact, made to Mr. Hunt, and if they were made, I would like to know it, and if they were not made, I would like to know it. Mr. Parkinson said, and I am just stating the substance of the conversation—I am not trying to do it word by word, which I could not do—and I then had lunch with him at the Mayflower Hotel and he indicated to me that he had made an effort to find out and he told me that such assurances had been made to Mr. Hunt and they would be honored.

Mr. ST. CLAIR. Do you recall any further conversation on the point?

Mr. BITTMAN. That's what I recall.

Mr. ST. CLAIR. I take it that during the course of your initial discussions with Mr. Hunt during which he informed you about commitments, you saw no reason why you should not continue to represent Mr. Hunt?

Mr. BITTMAN. Not because of his background with the CIA and covert activities and things of that nature. I saw no reason why I could not represent him under those circumstances.

Mr. ST. CLAIR. And no reason why you couldn't continue to represent him in the light of what he said to you about commitments?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. And the same is true of what you learned about these commitments as a result of your talk with Mr. Parkinson?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. I was a little inattentive. Could you tell me the date again when you had these two discussions with Mr. Parkinson?

Mr. BITTMAN. I would say that it would be the latter part of October or early November of 1972.

Mr. ST. CLAIR. Thank you very much. I should have paid closer attention.

And thereafter, of course, you continued to represent Mr. Hunt and Mrs. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. As long as she lived?

Mr. BITTMAN. Yes, I did.

Mr. ST. CLAIR. Going back then to the occasion on March 16, Mr. O'Brien did come over to your office as a result of your request, did he not?

Mr. BITTMAN. Yes, he did.

Mr. ST. CLAIR. And did he meet with you before he met with your client, if you recall?

Mr. BITTMAN. I don't believe he did. I believe the conversation that I have alluded to was in the presence of Mr. Hunt.

Mr. ST. CLAIR. And so you have already testified with respect to that?

Mr. BITTMAN. That's right.

Mr. ST. CLAIR. At some point then, both Mr. Hunt and Mr. O'Brien withdrew to another room?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. Was there any particular reason why you separated yourself from them?

Mr. BITTMAN. I have thought long and hard about that, Mr. St. Clair, and I don't know unless it was just the press of other business.

I really don't recall the circumstances or why I did not attend that particular conference.

Mr. ST. CLAIR. If Mr. O'Brien testified that you were on the phone when he came in, would that refresh your recollection?

Mr. BITTMAN. It does not refresh my recollection, but it could well be. I am on the phone 50 times a day.

Mr. ST. CLAIR. Let me ask you this: was your failure to attend, if you can recall, a deliberate act on your part?

Mr. BITTMAN. I don't believe so.

Mr. ST. CLAIR. In any event, how long would you say they were together?

Mr. BITTMAN. It's only a guess. Half an hour, 45 minutes.

Mr. ST. CLAIR. Of that magnitude in any event?

Mr. BITTMAN. I am not sure. It could have been 15 minutes. I am really not sure how long that meeting lasted.

Mr. ST. CLAIR. When they came out, did you have a further discussion with either or both of them with respect to the conference that we had had?

Mr. BITTMAN. Yes, I did. I believe I testified to that this morning.

Mr. ST. CLAIR. And have you told us all that you can recall of that?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Do you recall saying anything to Mr. O'Brien to the effect that you had warned him that your client was nervous about going to jail under his family circumstances?

Mr. BITTMAN. Well, certainly Mr. O'Brien knew that, and I am certain I told him that he was more than nervous. He was distraught and very upset.

Mr. ST. CLAIR. I see. And do you recall your client in effect directing Mr. O'Brien to go see Mr. Dean?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. You do not? You do recall a suggestion by Mr. O'Brien that Mr. Hunt might call Mr. Colson?

Mr. BITTMAN. That was a suggestion that based—well, let me go back. I do recall that conversation where I think Mr. O'Brien was present where he had suggested to Mr. Hunt to write a memorandum to Mr. Colson and that Mr. Hunt did not want to write such a memorandum, and therefore, Mr. Hunt asked me to call Mr. Colson to ascertain whether or not Mr. Colson would see him.

Mr. ST. CLAIR. Did you get the impression that Mr. Hunt had no real interest in contacting Mr. Colson but was very interested in having Mr. O'Brien see Mr. Dean?

Mr. BITTMAN. The name Dean was not mentioned.

Mr. ST. CLAIR. The name Dean was not mentioned?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. Did you have any information to the effect that Mr. Hunt was going to request Mr. O'Brien to see Mr. Dean?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. When did you first learn that Mr. O'Brien left your office and went to see Mr. Dean?

Mr. BITTMAN. I would say at the time of Mr. Dean's testimony before the Senate Watergate Committee or someone's testimony to that effect.

Mr. ST. CLAIR. Well, now, let's see. Mr. O'Brien had talked with your client for a half an hour approximately, suggested that communication be sent to Mr. Colson. Mr. Hunt was not buying that suggestion. Is that a fair statement?

Mr. BITTMAN. It is.

Mr. ST. CLAIR. How was the matter left as you observed it then?

Mr. BITTMAN. It was left that Mr. O'Brien then apparently couldn't do anything to assist Mr. Howard Hunt, and therefore Mr. Hunt wanted to talk to Mr. Colson. The name Dean was not mentioned.

And I had no idea at that time, until I am sure months later, that Mr. O'Brien was reporting to Mr. Dean. I just didn't know.

Mr. ST. CLAIR. I see. You knew who Mr. Dean was?

Mr. BITTMAN. Oh, yes.

Mr. ST. CLAIR. You had never met him, I understand?

Mr. BITTMAN. To this day I have never met him. Nor have I ever talked to him.

Mr. ST. CLAIR. Well, now an effort was made to contact Mr. Colson, and the suggestion was not accepted by Mr. Colson?

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. But Mr. Shapiro, Mr. Colson's lawyer, did meet with your client?

Mr. BITTMAN. Yes, he did.

Mr. ST. CLAIR. With your knowledge and consent?

Mr. BITTMAN. Yes.

Mr. ST. CLAIR. Were you present?

Mr. BITTMAN. No.

Mr. ST. CLAIR. Do you know when the meeting took place?

Mr. BITTMAN. I would assume it would be on March 16 or shortly thereafter, but I do not know exactly when.

Mr. ST. CLAIR. I see. You made some reference this morning to the fact that Mr. Shapiro's log shows that he met with Mr. Hunt on the 16th at 2 o'clock in the afternoon.

Mr. BITTMAN. That's correct.

Mr. ST. CLAIR. How do you know that?

Mr. BITTMAN. Because in preparing Mr. Hunt for the grand jury in late March, April, and May I went to see all of these people to find out what memos or what recollection they had with respect to their conversations with Howard Hunt and it was at that time during those efforts I learned the specifics of Howard Hunt's meeting with Paul O'Brien on March 16, I learned of the taped transcript of the telephone call between Colson and Hunt in November of 1972 and I learned of a memorandum that David Shapiro made of his conversation with Hunt in March.



Mr. ST. CLAIR. In March when? When in March?

Mr. BITTMAN. I believe it says March 16, and that's the reason I believe there is a discrepancy because I believe that memorandum indicates and he gave me a copy of it, indicates that Howard Hunt was in his office at 2 o'clock. And my daybook indicates Howard Hunt was in my office at 2 o'clock and I cannot reconcile the discrepancy.

Mr. ST. CLAIR. Do you know whether or not Mr. Hunt saw Mr. Shapiro the same day that he saw Mr. O'Brien?

Mr. BITTMAN. I do not.

Mr. ST. CLAIR. Do you have any personal knowledge of the time when Mr. Hunt saw Mr. Shapiro?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. Your client was in a hurry to see somebody wasn't he?

Mr. BITTMAN. Yes; he was.

Mr. ST. CLAIR. All right. You said in getting ready for the grand jury testimony, getting your client ready that you made an investigation which included discussions with Mr. Shapiro?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. During the course of those discussions, do you ever recall Mr. Shapiro asking you when you received the \$75,000 or the payments that turned out to be \$75,000?

Mr. BITTMAN. I am sure at some point Mr. Shapiro and I discussed that but I don't know if it was during a specific period of time that I attempted to find out from him the substance of the conversation he had with Howard Hunt.

Mr. ST. CLAIR. Do you recall that he has asked you that question on a number of occasions?

Mr. BITTMAN. Yes.

Mr. ST. CLAIR. And do you recall what you have answered?

Mr. BITTMAN. The only answer I could have given him is it would have been on or about March 21.

Mr. ST. CLAIR. I didn't ask you what it could have been. What is your memory as to what you said to Mr. David Shapiro as to when you received that payment?

Mr. BITTMAN. It would have been on or about March 21.

Mr. ST. CLAIR. On or about?

Mr. BITTMAN. Yes, sir, because I am not positive of the date.

Mr. ST. CLAIR. I see. Well, could it have been March 20?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Could it have been on the 19th?

Mr. BITTMAN. I doubt it.

Mr. ST. CLAIR. On the 22d?

Mr. BITTMAN. No.

Mr. ST. CLAIR. But it could have been the 20th?

Mr. BITTMAN. I would say that it could have been but I would say more than likely it was on the 21st.

Mr. ST. CLAIR. Did you follow your client's testimony before the Senate Select Committee?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Did you help him prepare for that testimony?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. Did you ever discuss that testimony with him prior to his so testifying?

Mr. BITTMAN. Oh, on many occasions. I represented Mr. Hunt before the grand jury on 8 occasions and I am sure the Senate Watergate Committee staff on another 8 or 10 occasions.

Mr. ST. CLAIR. Am I correct in my memory that your client, Mr. Hunt, testified that the payment was made on March 20?

Mr. BITTMAN. I have reviewed his testimony within the last month or so and he testified to March 20 based on a date that Sam Dash gave to him and said "isn't that the date" and I believe Mr. Hunt's testimony was well, if that's the date that's the date.

Mr. ST. CLAIR. Well, do you think Mr. Dash made that up, or that your client gave it to Mr. Dash in an interview?

Mr. BITTMAN. No; I don't think Mr. Hunt knows the date.

Mr. ST. CLAIR. I didn't ask you that, sir. I asked you did you think Mr. Dash made the date up or your client gave it to him in a hearing or an interview?

Mr. BITTMAN. I am not suggesting Mr. Dash made it up.

Mr. ST. CLAIR. All right.

Mr. BITTMAN. My guess would be——

Mr. ST. CLAIR. I am not asking your guess, please.

Mr. BITTMAN. Well, I have to guess is that Mr. Dash obtained that date from someone else.

Mr. ST. CLAIR. Like who, you?

Mr. BITTMAN. Fred LaRue.

Mr. ST. CLAIR. All right. He didn't get it from you?

Mr. BITTMAN. No, sir.

Mr. ST. CLAIR. Could he have gotten it from Mr. LaRue?

Mr. BITTMAN. I don't know. All I know——

Mr. ST. CLAIR. Or from——

Mr. BITTMAN. The testimony reflects that the date was given to Mr. Hunt by Sam Dash. I don't know from whom Mr. Dash received that date.

Mr. ST. CLAIR. Your client testified in substance, did he not, in agreement with Mr. Dash's suggestion, that the payment was made on the 20th?

Isn't that right?

Mr. BITTMAN. He accepted Sam Dash's suggestion, that is correct.

Mr. ST. CLAIR. And he accepted that under oath?

Mr. BITTMAN. Yes, he did.

Mr. JENNER. Mr. Chairman, the record of the testimony is the best evidence as to what Mr. Hunt said on that occasion when he was examined before the Senate Select Committee.

Mr. ST. CLAIR. Mr. Chairman, I will be glad to furnish the committee with the pertinent portions of the transcript. I think it is page—I will be happy to furnish it.

It is 900 and something. I forget now.

The CHAIRMAN. Counsel will supply that then.

Mr. ST. CLAIR. Yes; I will.

Now, you said you spent a great deal of time preparing Mr. Hunt for grand jury testimony?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Grand jury testimony commencing approximately when?

Mr. BITTMAN. Within several days after he went to jail.

Mr. ST. CLAIR. So that would be about the first of April of 1973?

Mr. BITTMAN. No, sir. It would be, I think he testified before the grand jury on three occasions in late March.

Mr. ST. CLAIR. All right, late March, 26, 27, something like that. When was he incarcerated?

Mr. BITTMAN. March 23.

Mr. ST. CLAIR. All right. So sometime after March 23 he testified before a grand jury; is that right?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. To your knowledge, did Mr. Hunt decline to answer any questions?

Mr. BITTMAN. He read a statement to the grand jury on his initial appearance, and was subsequently given immunity and I believe after he was given immunity he testified fully. But, I am sure as you know, Mr. St. Clair, I was never present at the grand jury while he testified.

Mr. ST. CLAIR. I quite understand. You were outside of the room, weren't you?

Mr. BITTMAN. Yes; I was.

Mr. ST. CLAIR. Did you ever learn from any source that Mr. Hunt attempted to secrete any information?

Mr. BITTMAN. Well, I know from the prosecutors that there was certain information that Mr. Hunt was very reluctant to testify to.

Mr. ST. CLAIR. But did he testify to it?

Mr. BITTMAN. Ultimately he did; yes, sir.

Mr. ST. CLAIR. And this was after he received \$75,000, \$60,000 of which you received as legal fees?

Mr. BITTMAN. I did not receive \$60,000 of the \$75,000.

Mr. ST. CLAIR. Well, it was after the receipt of \$75,000, whatever its disposition?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. Thank you.

May I have just a moment, Mr. Chairman?

The CHAIRMAN. Yes.

[Short pause.]

Mr. ST. CLAIR. When do you say you now recall that you started to work with Mr. Hunt on this statement that he was to send to the grand jury or read to the grand jury?

Mr. BITTMAN. It was within a few days before he was sentenced.

Mr. ST. CLAIR. Before he was sentenced?

Mr. BITTMAN. Yes, sir.

Mr. ST. CLAIR. That would be then before he received the \$75,000?

Mr. BITTMAN. It would be at or about that time.

Mr. ST. CLAIR. Did he make any change in that statement after he received the \$75,000, in the substance of it?

Mr. BITTMAN. I am sure he did not.

Mr. ST. CLAIR. Did not?

Mr. BITTMAN. Did not.

Mr. ST. CLAIR. Thank you. I have nothing further, Mr. Chairman.

Mr. JENNER. Mr. Chairman, I have a few questions.

The CHAIRMAN. Mr. Jenner.

Mr. JENNER. Mr. Bittman, were you present when Mr. Hunt pleaded guilty before Judge Sirica?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And in the course of that proceeding before Judge Sirica, when you were present, did Judge Sirica advise Mr. Hunt in your presence of each of the charges and counts in the indictment and quote from the indictment?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And did this occur:

The COURT. I have already identified briefly to you the nature of the other counts. Do you concede that your client is familiar with all of the elements and the other counts besides the conspiracy count?

Mr. BITTMAN. Your Honor, I know that he is familiar with all of the elements.

The COURT. Have you gone over them carefully?

Mr. BITTMAN. I have.

The COURT. He understands what the elements are that must be proved by the government beyond a reasonable doubt as to each count that he is indicted under?

Defendant HUNT. Yes, Your Honor.

The COURT. Now, in connection with the elements of the offense which the government must prove beyond a reasonable doubt as to each one of the counts in which you are charged, did you commit each one of those elements of those crimes, Mr. Hunt?

Defendant HUNT. I did, Your Honor.

The COURT. Knowingly and intentionally and unlawfully did you do that?

Defendant HUNT. Yes, Your Honor.

The COURT. Now, in your own words I would like you to tell me from the beginning just how you got into this conspiracy, what you did, various things that you did so that I can decide whether or not you are knowingly and intentionally entering this plea voluntarily with full knowledge of every possible consequence.

Mr. BITTMAN. Your Honor, could I make a short comment before Mr. Hunt responds to that question?

The COURT. Yes.

Mr. BITTMAN. Mr. Silbert indicated to me some time ago that under the authority of the *Kelly* case, decided in the Fifth Circuit by the Fifth Circuit, it was Mr. Silbert's intention to bring all of these defendants before a Grand Jury subsequent to their sentencing, so certainly Mr. Hunt will be required to appear before that grand jury. In view of that, Your Honor, and in further view of the fact there is a possibility that what Mr. Hunt will be required to state to Your Honor, if he responds to your question, he may prejudice the other defendants in your eyes at the outset of the trial, perhaps your Honor would not want Mr. Hunt to respond to that question.

The COURT. You see, I don't want Mr. Hunt coming back some day, or you, with some kind of a suggestion that he didn't understand the elements of the offense, that questions weren't clearly explained to him or anything like that, which happens frequently, as you know, in criminal cases.

Do you waive your right to express what you know about this case? In other words, I will shorten this by taking your counsel's suggestion that you are going before the Grand Jury. I don't know what questions you will be asked. So, if you are thoroughly familiar with all of the elements of each count of the indictment under which you are charged, and that you admit that you have committed those elements of the offense, you know what they are, then we can probably save a little time.

Defendant HUNT. Yes, Your Honor.

The COURT. Now, as to the possible penalties in this case, I am not indicating at this time, because I don't know myself, what sentence I will impose in this case or sentences. Do you understand? But, I think you should know this, this is provided by statute as to the other counts under which you have pleaded guilty, because first of all I am going to refer the case to the probation officer, naturally, for presentence investigation and a report. We do that in practically every case, and that might take some time. But, I want you to know what the sentences are as to each count.

Under Count 1, Title 18 United States Code, Section 731, the Conspiracy Count, you could be fined not more than \$10 thousand or imprisoned for not more than five years or both. Do you understand that?

Defendant HUNT. Yes, sir.

The COURT. Under Count 2, which charges degree burglary under Title 22, D.C. Code Section 1801(b), you could be imprisoned for not less than two years nor more than 15 years. Do you understand that?

Defendant HUNT. Yes sir.

The COURT. Under Count 3, under Title 22, D.C. Code Section 1801(b), second degree burglary, you could be imprisoned for not less than two years nor more than 15 years.

Do you understand that?

Defendant HUNT. Yes, Your Honor.

The COURT. Under Count 4, Title 18, U.S. Code Section 2511 known as illegally endeavoring to intercept oral communications, that carries a penalty of not more than \$10,000 or imprisonment for more than five years.

Do you understand that?

Defendant HUNT. I do, Your Honor.

The COURT. Under Count 5, Title 18, U.S. Code Section 2511, unlawful endeavoring to intercept wire communications, carries a penalty of not more than \$10,000 fine or imprisonment for not more than five years or both.

Under Count 8, under Title 18, U.S. Code Section 2511, known as unlawful interception or endeavoring to intercept or procuring the interception of wire communications which carries a fine of \$10,000 and imprisonment for not more than five years, or both.

And you understand these sentences could run consecutively?

Defendant HUNT. I do, Your Honor.

The COURT. Has your guilty plea to the six counts that I have mentioned been induced by promises or representations by anyone as to what the sentence will be imposed by this Court?

Defendant HUNT. No, Your Honor.

The COURT. Has anyone threatened or coerced you into making this plea of guilty—the plea of guilty to these counts.

Defendant HUNT. No, Your Honor.

The COURT. Has any promise of any kind been made to induce your plea of guilty?

Defendant HUNT. No Your Honor.

The COURT. Are you entering this plea voluntarily of your own free will because you are guilty and for no other reason?

Defendant HUNT. Yes, Your Honor.

You were present when that took place?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And those statements were made by the court and those responses were made by defendant Hunt and by you?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And that occurred before Judge Sirica at the time of his guilty plea and a request was made on your behalf that he withdraw his not guilty plea and plead guilty to the indictment on January 11, 1973?

Mr. BITTMAN. Well, of course, initially, with the consent of the Government, I requested that the court accept the plea of three counts. The Government accepted that. The Government recommended that to Judge Sirica, and Judge Sirica would not accept the plea to three counts.

Mr. JENNER. But he did on this occasion, did he not?

Mr. BITTMAN. It was either go to trial or plead guilty—

Mr. JENNER. Mr. Bittman, I asked you a simple question, did he accept the plea on this occasion?

Mr. BITTMAN. He did, and I think that is what I responded.

Mr. JENNER. After what I have read, the following occurred, did it not?

The COURT. Have you discussed the entry of this plea fully with your attorneys?  
 Defendant HUNT. I have, Your Honor.

The COURT. Are you completely satisfied with the services of your attorney in this case?

Defendant HUNT. Entirely, Your Honor.

The COURT. Mr. Clerk, take the plea.

Did that occur?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Thereupon, Mr. Silbert stated to the court, immediately following the direction of the Court to the Clerk to take the plea of guilty:

Mr. SILBERT. If Your Honor please, may I be heard just before that?

The COURT. Yes.

Mr. SILBERT. Your Honor, as you indicated earlier this morning, under Rule 11 the Court must determine itself whether there is a factual basis for the plea. As Your Honor knows, yesterday the government made a detailed opening statement and here this morning Your Honor asked the defendant prior to his entry of the plea of guilty what he did and based upon the representations of Mr. Bittman Your Honor withdraw the question as you asked it and rephrased the question.

Your Honor, the government would suggest for your consideration whether or not you would inquire of the defendant to ascertain and make sure there is a factual basis for the plea, whether he accepts the essential accuracy of the facts as outlined in the government's opening statement.

The COURT. I will put that question to you.

Mr. JENNER. He is addressing Mr. Hunt.

The COURT. As framed by counsel: Do you accept those as substantially the facts as you know them to be?

Defendant HUNT. Substantially, yes, Your Honor.

The COURT. You agree with the government's opening statement insofar as your knowledge of this conspiracy?

Defendant HUNT. Yes; Your Honor.

The COURT. And your participation in it?

Defendant HUNT. Yes; Your Honor.

Did that occur?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Mr. Bittman, in response to some questions of Mr. St. Clair toward the end of his examination of and questioning of you, he inquired of you as to Mr. Hunt's appearance before the grand jury, I take it the latter part of March 1973. As I recall, you responded that eventually—and I don't wish to characterize your testimony, and if you wish to restate it so it will be strictly accurate, please do so—that eventually Mr. Hunt told either the truth or the full facts?

Mr. BITTMAN. That is not what I said, Mr. Jenner.

Mr. JENNER. Would you please repeat what you said, because I have a question or two to ask you about it.

Mr. BITTMAN. I said that there were a few areas which Mr. Hunt wanted indicated to the prosecutors through me, which I did, that he did not want to testify to. And I told the prosecutors that if they would go along with this temporarily, knowing that Mr. Hunt could testify on many occasions, that ultimately they would get responses to all the questions, but because of his long career with the CIA and things of that nature, there were certain areas that he was reluctant to testify to.

Mr. JENNER. Have you completed your answer?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Now, you mentioned the prosecutors. Are you referring to Mr. Silbert?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And that conversation you have now related to Mr. Silbert, when did that take place with respect to when Mr. Hunt eventually testified to all the facts?

Mr. BITTMAN. Well, I had a number of conversations with the prosecutor every day that Mr. Hunt appeared before the grand jury, or days before he appeared before the grand jury.

Mr. JENNER. Did you repeat that statement to Mr. Silbert on each of those occasions?

Mr. BITTMAN. I know it was mentioned more than once, and I know there was eventually a time when I met with the three prosecutors and with Mr. Hunt and we went through everything. Outside of the grand jury.

Mr. JENNER. All right. So that the reluctance was evidenced prior to the time that Mr. Hunt went before the grand jury, was it not?

Mr. BITTMAN. In certain areas, that is correct.

Mr. JENNER. How many days before he went to the grand jury did you first express to Mr. Silbert Mr. Hunt's reluctance, as you have expressed it?

Mr. BITTMAN. I am sure it was immediately after sentencing, because the prosecutors and I immediately had conversations concerning Mr. Hunt's appearance.

Mr. JENNER. All right. He was sentenced on the 23d?

Mr. BITTMAN. I am sure we started having conferences immediately thereafter.

Mr. JENNER. All right. He was sentenced on the 23d, was he not?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And you began your conferences immediately?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And you expressed this view that you have related to the ladies and gentlemen of this committee on March 24, 1973?

Mr. BITTMAN. Well, it would have been on or about that date.

Mr. JENNER. All right. When did he first go before the grand jury?

Mr. BITTMAN. I don't know, but I would assume it would be around—

Mr. JENNER. You mean you don't know or you don't recall?

Mr. BITTMAN. I don't recall.

Mr. JENNER. You were representing him, weren't you?

Mr. BITTMAN. Yes; I was.

Mr. JENNER. All right.

Mr. BITTMAN. But he testified on eight occasions and I don't know the dates of any of those occasions, Mr. Jenner. But I have the records at my office.

Mr. JENNER. All I am seeking is your best recollection, and I understand that when you say no, you don't recall at the moment, is that correct?

Mr. BITTMAN. That is correct, I don't recall the first date, but I would think it would be around the 25th or 26th of March. He testified 3 days in March.

Mr. JENNER. It may help you in your recollection that the 23d was a Friday, was it not?

Mr. BITTMAN. I don't recall.

Mr. JENNER. Well, I can tell you that it was. Would you assume that, please?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. All right. The 24th was a Saturday, the 25th was a Sunday. He went before the grand jury the week of the 25th. That is March 25, according to your present recollection, is that correct?

Mr. BITTMAN. Yes, sir; he testified on three occasions during that week.

Mr. JENNER. During that week. All right. That is three.

Did he go before the grand jury the following week?

Mr. BITTMAN. I don't know.

Mr. JENNER. You mean you don't recall?

Mr. BITTMAN. I don't recall.

Mr. JENNER. Did he go before the grand jury the following week after that?

Mr. BITTMAN. Mr. Jenner, I don't recall. If it is relevant either to you or the committee, I would be more than happy to furnish these dates to you. I have the dates but I don't have them in mind.

Mr. JENNER. All you can do, Mr. Bittman, is answer my questions.

Mr. BITTMAN. All right, I don't recall.

Mr. JENNER. Did he go before the grand jury in the month of April?

Mr. BITTMAN. I believe he did.

Mr. JENNER. Did he go before the grand jury in the month of May?

Mr. BITTMAN. I don't know.

Mr. JENNER. You mean you don't recall?

Mr. BITTMAN. I do not recall.

Mr. JENNER. Could he have gone before the grand jury in the month of May?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Now, do you have a recollection as to when in the month of March, the week of the 25th, or in April or in May, that he began to testify about the matters that he had been reluctant to testify about when you first spoke to Mr. Silbert on March 24?

Mr. BITTMAN. My recollection is that in most of those areas, that they were not in any way related to the Watergate case, and I know that I mentioned—

Mr. JENNER. Mr. Bittman, I didn't ask you that question. Your answer is not responsive. The question I asked you was in which of those months, the last week in March or any time in April or any time in May, that Mr. Hunt began to testify about the things about which he had been reluctant to testify when you talked to Mr. Silbert on the 24th of March 1973?

Mr. BITTMAN. I don't recall.

Mr. JENNER. Mr. Bittman, would you please describe to the ladies and gentlemen of the committee—

[Material unrelated to testimony of witness deleted.]

I will reframe my question, then, if I may.

Would you please relate to the ladies and gentlemen of the committee the usual, customary and regular practice of Hogan & Hartson with respect to keeping time records of work done and services performed by members of the firm and associates of the firm?



Mr. BITTMAN. Yes, sir, generally, the procedures that I follow, and I assume most of the attorneys in the firm follow, is you keep a day-book. You dictate from the daybook to your secretary, who prepares small sheets. She keeps a copy. A copy goes to accounting and a copy goes to the computer. Each month, we receive a computer printout which sets forth the name of the attorneys, the amount of hours and the client and the hourly rate that they perform for each client during a given month. Those are the procedures.

Mr. JENNER. Now, would you please, and as of the time of your leaving the firm on the 30th of June, was that practice still in effect?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And it had been in effect, had it, during all of the time that you were a partner in Hogan & Hartson?

Mr. BITTMAN. No, sir.

Mr. JENNER. Would you explain your answer, please?

Mr. BITTMAN. We didn't receive computerized printouts for the first 2 or 3 years that I was a partner. This was a procedure that developed approximately 5 years ago.

Mr. JENNER. So that at least during all of the relevant times about which you have been questioned here today, the computerized system was in effect?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Would you give us the names of those partners and associates of your office who worked with you, as you have said, under your leadership and direction in handling, rendering legal services to Mr. Hunt or members of his family as best you are now able to recall it?

Mr. BITTMAN. Mr. Jenner, there were at least 15, and I will recite as many names as I can recall. That is the best I can do.

Mr. JENNER. That is all I am asking you to do, Mr. Bittman.

Mr. BITTMAN. Austin Mittler.

Mr. JENNER. Is he a partner?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Would you please identify them either way in that respect.

Mr. BITTMAN. He is a partner.

George Miller, associate.

Curtis von Kann, associate.

Mr. JENNER. Would you spell that, please?

Mr. BITTMAN. v-o-n K-a-n-n.

Vincent Rocque, R-o-c-q-u-e, associate.

Bill Bradford, B-r-a-d-f-o-r-d; Nubby Jones, partner.

Mr. LATTI. Mr. Chairman, in the interest of time, I would suggest that the witness give the committee those names so we can go ahead.

Mr. BITTMAN. I can obtain those names in 5 minutes, Mr. Chairman. I just don't recall any more at the present time. But as I said, there were approximately 15 attorneys at various times that worked on the Hunt matters.

Mr. JENNER. That is perfectly all right with counsel.

The CHAIRMAN. I think that would be sufficient for the committee.

Mr. Jenner, might I inquire, is there a purpose to this? Do we see something—

Mr. JENNER. Yes, Your Honor.

The CHAIRMAN [continuing]. At the end of this line.

Mr. JENNER. Yes, Mr. Chairman. I think it will appear from the next question.

If a request were made to Hogan & Hartson for a computer run on all of the timecards as you have described them during this period that you have testified about today for legal services rendered to Mr. Hunt and members of his family, would the names of all the persons who worked and the extent of the services they rendered appear on those timecards?

Mr. BITTMAN. It would not appear on the computer printout.

Mr. JENNER. All right. They would not appear on the computer printout. Where would they appear, Mr. Bittman?

Mr. BITTMAN. In the small sheets that are dictated to the secretary.

Mr. JENNER. Are those preserved by Hogan & Hartson?

Mr. BITTMAN. I assume they are.

Mr. JENNER. So that if we sought the detailed information on the services rendered and time rendered by the various 15 lawyers who worked on the matter, they would appear on the sheets rather than the computer cards?

Mr. BITTMAN. That is correct.

Mr. JENNER. Thank you.

Would you turn for a moment to the—you said you had, on examination by Mr. St. Clair, a meeting with Mr. Parkinson in an automobile.

Mr. BITTMAN. Yes, sir.

Mr. JENNER. When was that?

Mr. BITTMAN. I believe it was a late Friday afternoon when I was on my way home with Austin Mittler, who frequently drove home with me.

Mr. JENNER. I see. What date as you are best able to recall it?

Mr. BITTMAN. It was either in October or November of 1972.

Mr. JENNER. And what was the occasion of your meeting in an automobile?

Mr. BITTMAN. As I said, we were on the way home and I called Ken Parkinson, asked him if he could meet us, because we could not park at that time of night—I am sure it was in the later part of the rush hour. The purpose of the conversation was as I stated to Mr. St. Clair. That was the legal fees were building up and my client had indicated to me that he had received these commitments that his legal fees and living expenses would be taken care of. And I wanted Mr. Parkinson, if he could ascertain it, to determine whether or not my client was accurate in indicating to me that such commitments had in fact been received.

Mr. JENNER. I thank you, Mr. Bittman.

You testified this morning with respect to the first \$25,000—the thousand dollar and the retainer fee of \$25,000 you received was in due course taken into firm income. Do you recall that?

Mr. BITTMAN. Yes sir.

Mr. JENNER. And that is a fact?

Mr. BITTMAN. The entire \$156,000 was taken into the firm income.

Mr. JENNER. All right. And the net of that after expense was dis-

tributed to the partners as net income and taxes paid on it, is that correct?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Is that true both as to the years 1972 and the year 1973?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And each of you, you and your partners, received their regular share according to the partnership agreement or the executive committee decision, as the case might be?

Mr. BITTMAN. Yes sir, it was distributed to the partners depending upon their distributive share.

Mr. JENNER. Now, you mentioned a trust fund that was established. When was the trust fund established?

Mr. BITTMAN. Approximately August or September of 1973.

Mr. JENNER. And what was the source of the funds that were placed in that trust fund?

Mr. BITTMAN. General funds of Hogan and Hartson.

Mr. JENNER. Including you?

Mr. BITTMAN. Oh, yes sir, I have an interest in that escrow account.

Mr. JENNER. Would you turn a moment to Bittman exhibits 1 and 2?

I direct your attention to the second page of Bittman exhibit No. 1, which, Mr. Chairman, I will ask be marked as Bittman exhibit 1A.<sup>1</sup>

The CHAIRMAN. Do we have a copy of the exhibit?

Mr. JENNER. Yes, they were distributed this morning. Each of the exhibits consists of two pages, the top page being a retyping of the indistinct original, which is the second page.

Mr. DANIELSON. Mr. Chairman, which one is 1 and which one is 2?

Mr. JENNER. No. 1 is the one of September 19, 1972.

I notice on Bittman Exhibit 1A in longhand, "D. Hunt." Are you able to identify that handwriting?

Mr. BITTMAN. I cannot identify it, but I assume that it stands for Dorothy Hunt and was written by her.

Mr. JENNER. Have you ever seen her handwriting during the course—did you see her handwriting during the course of your long representation of Mr. Hunt and his family?

Mr. BITTMAN. I assume I have, sir, but I don't think I have seen it with enough frequency to be able to testify that that is her handwriting, but I assume it is.

Mr. JENNER. Did you tell me when I asked you before you began to testify this afternoon that it was?

Mr. BITTMAN. I say I assume it was. She did not sign that in my presence.

Mr. JENNER. I didn't ask you when it was signed.

Was the longhand on that document when it was received by you?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Some of the questions I was going to ask you have been kindly brought out by Mr. St. Clair.

Did Mrs. Hunt deliver this to you in person?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Was there a telephone call from her or what communication was there, if any, from her before she came in on that occasion?

<sup>1</sup> See p. 18.

Mr. BITTMAN. I don't recall specifically, but normally she would call and ask me if I were going to be home and asked me if it was all right if she came over to see me, and I very rarely said no.

Mr. JENNER. All right. I take it from that answer that the two exhibits, Bittman 1 and 1A and Bittman 2 and 2A,<sup>1</sup> were delivered by her to you at your home?

Mr. BITTMAN. That is correct, on separate occasions.

Mr. JENNER. Yes, of course.

Exhibit No. 1, September 19, 1972, was delivered to you on or about the date it bears, correct?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And that exhibit 2 was delivered to you on or about the date it bears, which is October 2, 1972?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. I direct your attention to Bittman exhibit No. 2, to the bottom line of the list of amounts, which reads, "\$10,000 under table bail money for Mr. Barker."

What did that mean to you when you read it?

Mr. BITTMAN. I speculate, but I don't know what it refers to.

Mr. JENNER. My question was what did it mean to you when you read it?

Mr. BITTMAN. Nothing.

Mr. JENNER. When Mrs. Hunt brought this to your home and hand delivered it, was it contained in an envelope or just an open sheet of paper?

Mr. BITTMAN. I don't recall.

Mr. JENNER. In each instance?

Mr. BITTMAN. I don't recall.

Mr. JENNER. Did you read the document in her presence on either occasion?

Mr. BITTMAN. I believe I glanced at it.

Mr. JENNER. And directing your attention to Bittman exhibit No. 1 and to the second full paragraph, the sentence reading "He concluded that he would be in touch with me again when he could and repeated that this amount was all he was able to scrape up on such short notice. I thanked him."

Do you find that?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. To what does the short notice refer?

Mr. BITTMAN. I don't know.

Mr. JENNER. Did you ask Mrs. Hunt?

Mr. BITTMAN. No, I did not.

Mr. JENNER. Did you discuss this matter with anybody other than Mrs. Hunt after you had received the two documents on either occasion?

Mr. BITTMAN. Yes, sir, I showed them to Mr. Parkinson.

Mr. JENNER. Did you have a conversation with him?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. Where did that conversation take place?

Mr. BITTMAN. In his office.

<sup>1</sup> See p. 19.

Mr. JENNER. On the first occasion, how soon with respect to the date September 19 did that conversation take place?

Mr. BITTMAN. I don't know.

Mr. JENNER. You mean you don't recall?

Mr. BITTMAN. I don't recall.

Mr. JENNER. What did you say to Mr. Parkinson on the occasion when you delivered—did you say you delivered a copy to him or he made a copy?

Mr. BITTMAN. I told him that Mrs. Hunt had been to my home, had given me this memorandum, indicated to me that she had been asked to make an accounting of the funds that she had received, and that she had asked me to show a copy of this to him. That was the conversation.

Mr. JENNER. And with respect to Bittman exhibit No. 2<sup>1</sup> dated October 2, 1972, did you show that to anybody?

Mr. BITTMAN. To Mr. Parkinson.

Mr. JENNER. And shortly after the date it bears?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. What did you say to him on that occasion?

Mr. BITTMAN. In essence the same thing.

Mr. JENNER. And where did these two conversations take place? In his office?

Mr. BITTMAN. In his office.

Mr. JENNER. What did he say on either occasion?

Mr. BITTMAN. On the first occasion, I know that he xeroxed it.

Mr. JENNER. Yes; I appreciate that. You testified, what did he say?

Mr. BITTMAN. I don't recall him saying anything.

Mr. JENNER. Saying anything?

Mr. BITTMAN. No; because I am sure that I talked to him on other matters as well, because the civil cases were—I was in constant communication with him in connection with the civil cases.

Mr. JENNER. I will ask you the question, What did he say about the Bittman exhibit No. 1 dated September 19, 1972?

Mr. BITTMAN. I don't recall him saying anything.

Mr. JENNER. What did he say about Bittman exhibit No. 2<sup>1</sup> dated October 2, 1972?

Mr. BITTMAN. I don't recall him saying anything.

Mr. JENNER. Mr. Bittman, did you consult any partner or associate with respect to your receipt of either of these documents?

Mr. BITTMAN. I seem to have a recollection of discussing it with Mr. Mittler, but I don't recall discussing it with anybody else.

Mr. JENNER. Is that true of both documents?

Mr. BITTMAN. Yes, sir.

Mr. JENNER. And tell us, your conversation with Mr. Mittler, if you had a conversation with Mr. Mittler, with respect to the document dated September 19, 1972. Do you have any recollection as to what you said to him on that occasion?

Mr. BITTMAN. It would have just—in the event I had that conversation with him, it would have been an indication that I had received these from Dorothy Hunt with respect to funds that she had received for bail money, living fees, and legal expenses that she asked me to show to Mr. Parkinson and I did.

<sup>1</sup> See p. 19.

Mr. JENNER. I take it from your responses, Mr. Bittman, that you really don't have a recollection and you are rationalizing at the moment?

Mr. BITTMAN. That is correct.

Mr. JENNER. And that would be true insofar as any possible conversation with Mr. Mittler is concerned, also with respect to Bittman exhibit No. 2?<sup>1</sup>

Mr. BITTMAN. Yes, sir.

Mr. JENNER. In any event, I take it from your testimony that you did not discuss the matter with any other partner than Mr. Mittler, assuming you spoke with him?

Mr. BITTMAN. That is correct. The reason I believe I spoke with him is because he and I worked very closely together and it was my general policy to tell him everything that had happened that he was not aware of and he would do likewise.

Mr. JENNER. I see. Well, you are still rationalizing. You do not have a recollection at the moment that you did, is that correct, sir?

Mr. BITTMAN. I do not have a clear recollection that I did, but I probably did.

Mr. JENNER. Mr. Bittman, did you enter the—was there any entry on your time sheet for September 19 or your time sheet for October 22—October 2, 1972, that referred to either of these documents or the visit by Mrs. Hunt to you on the occasion she delivered the documents to you?

Mr. BITTMAN. I don't recall. I would doubt it.

Mr. JENNER. I have no further questions, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you.

Mr. Donohue?

Mr. DONOHUE. May I reserve my time, Mr. Chairman?

The CHAIRMAN. Mr. Hutchinson?

Mr. HUTCHINSON. No questions.

The CHAIRMAN. Mr. Brooks?

Mr. BROOKS. No questions, Mr. Chairman.

Unless, Mr. Chairman, I wondered, did counsel advise these gentlemen as to what the tax consequence of these payments would be?

Mr. BITTMAN. I have had such discussions with Mr. Hunt and Congressman, I have no idea of what was communicated to the other individuals.

Mr. BROOKS. What did you recommend to Mr. Hunt?

Mr. BITTMAN. I recommended that he discuss this matter fully with a tax attorney before he files tax returns. I am not a tax attorney.

Mr. BROOKS. No further questions, Mr. Chairman.

The CHAIRMAN. Mr. McClory?

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. Bittman, would you tell me, what were the other subjects unrelated to Watergate to which Mr. Hunt went before the grand jury subsequent to his plea of guilty in his own case? Did that relate to the Plumbers or something like that?

Mr. BITTMAN. I believe Ellsberg was one of them, the Ellsberg break-in. And there were two or three others, Congressman, and I

<sup>1</sup> See p. 19.

knew someone was going to ask me that question, and for the life of me, I don't recall the other areas. But there were two or three and I discussed this very candidly with the prosecutors and told them it was Mr. Hunt's desire not to get into these areas, but that I was confident that eventually he would.

I might add that during this period of time, there were articles appearing in the Jack Anderson column—at least this is my recollection—quoting verbatim grand jury transcripts. That is a matter that Mr. Hunt was very concerned about.

Mr. McCLORY. Now, did you know all about these things before and just not want to relate them, or when did you first learn about Hunt's other activities?

Mr. BITTMAN. I learned about them very slowly. Most of the areas I didn't know anything about. Some of the areas I knew very little about. And as Mr. Hunt was testifying before the grand jury, since I spent many hours with him, I learned as much as he told me at that time.

Mr. McCLORY. Were there any investigations going on at that time that you know of or any criminal charges that were threatened as far as he was concerned?

Mr. BITTMAN. No, sir.

Mr. McCLORY. Now, getting back to the date of March 21 about which you testified, you mentioned that, you testified that you met earlier with Mr. O'Brien and Mr. O'Brien met with Mr. Hunt in your office, and they discussed securing some money for Mr. Hunt to take care of his commitments.

Mr. BITTMAN. Yes, sir.

Mr. McCLORY. And then did, at any time did they talk about or did either of them talk to you about getting money from the White House?

Mr. BITTMAN. No, sir.

Mr. McCLORY. And you never heard the name of Mr. Dean mentioned at that time?

Mr. BITTMAN. No, sir.

Mr. McCLORY. And in your, in discussing the subject of Mr. Hunt calling his old friend, Mr. Colson, didn't you talk about getting money from the White House?

Mr. BITTMAN. No, sir.

Mr. McCLORY. Did you ever hear anybody mention the President interested in this or directing anything or the President's name mentioned in any way?

Mr. BITTMAN. No, sir.

Mr. McCLORY. An important question here relates to the time of the discussions between Mr. O'Brien or Mr. Dean or Mr. LaRue and Mr. Mitchell and so on relative to procuring the \$75,000 that arrived in your mailbox that evening. Now, you must have had some conversations, did you not, with Mr. Hunt or Mr. O'Brien or someone about when these conversations took place in demanding that money or requesting the money?

Mr. BITTMAN. No, sir. I had absolutely no knowledge at the time of any such conversations. I didn't even know who Fred LaRue was.

Mr. McCLORY. And you don't know whether the conversations oc-

curred on that day, earlier that day or the day before, or the time of day?

Mr. BITTMAN. My knowledge is limited to the testimony that was before the Senate Watergate Committee.

Mr. McCLORY. And what time of day was it that you received the call about the money going to be delivered to your mailbox?

Mr. BITTMAN. It would have been around 9 or 10 o'clock at night.

Mr. McCLORY. Then the money arrived later on that night?

Mr. BITTMAN. Yes, sir.

Mr. McCLORY. You, however, didn't communicate with Mr. Hunt until the following day, is that correct?

Mr. BITTMAN. That is correct.

Mr. McCLORY. Now, did you have any conversations with Mr. Colson about the subject of executive clemency for your client, Mr. Hunt?

Mr. BITTMAN. No, sir.

Mr. McCLORY. Never at any time?

Mr. BITTMAN. No, sir.

Mr. McCLORY. And do you know whether he had any such discussions with, did he tell you about any discussions or are you able to report to me about that?

Mr. BITTMAN. No, he stated to me that he would do whatever he could to assist Howard Hunt personally, whether he was in or out of the White House. The tenor of that conversation that took place would be what, if anything, could be done in the event Howard Hunt receives a substantial sentence, because I was personally concerned, and I so conveyed to Mr. Colson, that I didn't think Mr. Hunt, based on his serious family problems and his own medical problems, could stand, could take jail for a very long period of time, and I was very concerned about it. I expressed that concern to Mr. Colson.

The CHAIRMAN. The time of the gentleman has expired.

[Material unrelated to testimony of witness deleted.]

The CHAIRMAN. Mr. Kastenmeier.

Mr. KASTENMEIER. Mr. Chairman, I do have a question.

In connection with these two exhibits, perhaps I have missed something in the testimony, but I am a little bit at sea as to why Mrs. Hunt would send you these memoranda. Are we not to conclude that she would have understood that you would have understood what she meant and intended and conveyed in both these memoranda?

Mr. BITTMAN. Congressman, the only way I can respond to that is by saying that Mrs. Hunt knew that Mr. Parkinson had vouched for Mr. Rivers at the outset. Therefore, I would have to presume from that that when she was dealing with Mr. Rivers and he asked Mrs. Hunt to make an accounting, that she felt these accountings should go to him. That is speculation on my part, but that is what I believe.

Mr. KASTENMEIER. But the memorandum really is to you.

Mr. BITTMAN. Yes, it is. I don't know why she did that.

Mr. KASTENMEIER. The reason I am troubled with it is because September 19, when you received this, I would have thought if you wondered why she did it this way, why you would not have said to her, look, Mrs. Hunt, don't send me this memorandum, send it to Mr. Rivers or someone else; I have nothing to do with this, I don't know this content.



But 2 weeks later, she sent another memorandum, which rather suggests that she was doing it right as far as communicating with you in this fashion and communicating the sort of information she was communicating to you.

Mr. BITTMAN. All I can do is speculate. It could be that Mr. Rivers suggested to her that it go to Parkinson. That is pure speculation. I don't know.

Mr. KASTENMEIER. Excepting she was your client.

Mr. BITTMAN. Yes, she was.

Mr. KASTENMEIER. You were presumably advising her during this period, yet you accepted the memoranda, the second one in particular.

Mr. BITTMAN. Yes, sir.

Mr. KASTENMEIER. Without complaint or clarification or anything else, presumably.

Mr. BITTMAN. That is correct.

Mr. KASTENMEIER. Well, I am still perplexed. Thank you.

The CHAIRMAN. Mr. Smith?

Mr. SMITH. Mr. Bittman, on Bittman Exhibit No. 2,<sup>1</sup> which is a memorandum from Mrs. Hunt dated October 2, 1972, the last money item shown is "\$10,000 under table bail money for Mr. Baker"—"Mr. Baker." Did you know to what that referred?

Mr. BITTMAN. I do not know specifically, but I can speculate what that refers to. I don't know specifically.

Mr. SMITH. What would be your speculation?

Mr. BITTMAN. It would be that when the original Watergate defendants were in jail, I know they had a great deal of difficulty obtaining a bondsman to put up the type of bond that the court wanted. This was all before I got into the case, of course, the case of July 3. It would seem to me, based upon that knowledge, that this was an additional fee that had to be paid to the bondsman for writing the bond.

Mr. SMITH. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Edwards?

Mr. EDWARDS. Thank you, Mr. Chairman.

Mr. Bittman, there was some discussion about Mr. Hunt's misstatement of the date of the delivery of the \$75,000 before the Senate committee where Mr. Dash offered the date of the 20th and not the 21st. Have you, yourself, ever stated or testified that the \$75,000 was delivered on the 20th?

Mr. BITTMAN. I don't believe I have. I believe whenever I have been asked that question, I have said it has been on or about that date. And I didn't mean to indicate that Mr. Hunt misspoke. All I am trying to suggest is—

Mr. EDWARDS. No, you answered my question, yes. But you have always made it very clear that it is the 21st, is that correct?

Mr. BITTMAN. I believe it is the 21st, but I am not positive.

Mr. EDWARDS. You mean you don't have that in your date book, you don't have documentary evidence to back up that that money was paid on the 21st?

Mr. BITTMAN. What I do have in my daybook is a reference to a call

<sup>1</sup> See p. 19.

or a conference with Howard Hunt on the morning of the 22d. That is the only reference that I have.

Mr. EDWARDS. Thank you.

Mr. BITTMAN. Now, that could mean to me that I received the call the night of the 21st and I called him the morning of the 22d, so therefore, that is the reason why I believe it was the 21st.

Mr. EDWARDS. Thank you.

Mr. BITTMAN. But I have no independent recollection.

Mr. EDWARDS. One last question.

On the March 16 meeting, Mr. Hunt and Mr. O'Brien in your office. I think you testified that Mr. Hunt was very upset, that perhaps he was even suicidal, that he was about to go to jail, that he was really in very bad condition, is that correct, on that day?

Mr. BITTMAN. I didn't say he was suicidal. I said he was very distraught and depressed.

Mr. EDWARDS. Then scratch the word "suicidal." But then you didn't accompany him as his attorney down to the meeting with Mr. O'Brien, is that correct?

Mr. BITTMAN. That is correct.

Mr. EDWARDS. And even after finishing the telephone call, you didn't go down to see what was going on?

Mr. BITTMAN. No, sir. You have to recall, Congressman, that I had a discussion with Mr. Hunt prior to his conversation with Mr. O'Brien and—well, I just can't—

Mr. EDWARDS. Did he tell you that he was going to tell Mr. O'Brien that he was going to review his options and that he had done seamy things for the White House?

Mr. BITTMAN. No, sir.

Mr. EDWARDS. What would you have done if he had told you that?

Mr. BITTMAN. I would have been very concerned, and I would have strongly advised him not to talk to anybody about it. I didn't learn those terms until the grand jury proceedings in which I went to Mr. O'Brien to find out what his recollection was of those conversations, because Mr. Hunt's recollection was not very clear.

Mr. EDWARDS. But you think, though, that as his attorney, you should have been in the room?

Mr. BITTMAN. I would say knowing what I know now; yes, sir.

Mr. EDWARDS. Don't you think it would have been the responsible thing to do?

Mr. BITTMAN. I would say based on the facts that I know now, yes. Based on the circumstances that existed at that time, I exercised my best judgment.

Mr. EDWARDS. Thank you.

The CHAIRMAN. Mr. Sandman?

Mr. SANDMAN. Only a couple of questions.

Did Mr. Hunt, to your knowledge, threaten anybody that if he didn't get the money that he wanted, he would pick up other options, as Mr. Edwards asked?

Mr. BITTMAN. No, sir.

Mr. SANDMAN. Did he instruct you to put any pressure on these people to keep their commitments?

Mr. BITTMAN. He asked me—well, let's say that following conversa-

tions with Mr. Hunt, I did have conversations with Mr. Parkinson and Mr. O'Brien about the status of the legal fees, and I have already testified to the conversation I had with Mr. Parkinson concerning whether or not the commitments were made.

But as far as asking Mr., Mr. Hunt asked me—my answer is negative—ever asked me to threaten anybody or pressure anybody, the answer is no.

Mr. SANDMAN. Testimony was taken here yesterday that the request made by Mr. Hunt was that he wanted \$60,000 plus \$75,000 a total of \$135,000. Did you know anything about that?

Mr. BITTMAN. I did not at the time; no, sir. Those figures were not given to me until months later. I should not say months later; at least a month later or sometime later.

Mr. SANDMAN. From what you said, you weren't even aware of the amount requested, or were you?

Mr. BITTMAN. I was not aware of the amount requested.

Mr. SANDMAN. All right. Now, the last question. Did Mr. Hunt make any efforts at all on any of these people to get executive clemency? To your knowledge?

Mr. BITTMAN. To my knowledge, he did not.

Mr. SANDMAN. All right. Now, did you do anything in his behalf to get executive clemency, or a promise of it at some future date?

Mr. BITTMAN. No. The most I did is at Mr. Hunt's request, have a conversation with Charles Colson to find out if he could be called upon to help in the event Mr. Hunt received a substantial sentence. Mr. Colson did in fact, shortly thereafter, write a long letter to the probation officer. I did not ask Mr. Colson to write that letter, but he did.

Mr. SANDMAN. I have no other questions.

The CHAIRMAN. Mr. Hungate?

Mr. HUNGATE. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Railsback?

Mr. RAILSBACK. Mr. Bittman, I want to give you a chance to further elaborate as far as the March 20 or the March 21 date. I want to refer to the Senate Watergate testimony and ask you if this is your recollection of the questions that were asked and the answers that were given by Mr. Dash and your client, Mr. Hunt. This conversation took place on Monday, September 24, 1973. This was the afternoon session.

Mr. DASH. And do you remember when you received that? Would it refresh your recollection if the record would show that you received it on March 20th?

Mr. HUNT. I would have said the 20th or the 21st. If the record shows the 20th, that is perfectly satisfactory.

Mr. DASH. Just a few, a couple of days before the sentencing.

Mr. HUNT. Yes, sir.

Is that your recollection of——

Mr. BITTMAN. That is the colloquy that I was referring to in response to a question posed to me by Mr. St. Clair.

Mr. RAILSBACK. Is it further your recollection that in response to a question by the prosecution before the grand jury, that Mr. Hunt's answer was, when asked approximately the same question, that it was on or about the 20th?

Mr. BITTMAN. I was not before the grand jury, and of course, the

date of March 21 really was not of that great significance during that period of time. It is my recollection during this period of time that Mr. Hunt did not know specifically what date it was.

Mr. RAILSBACK. Let me just ask you if, of your own knowledge—do you have any knowledge that at an interview prior to the Senate Watergate Committee testimony, that Mr. Hunt ever informed one of the staff or anybody, for that matter, connected with the Senate Watergate Committee that the events that we have referred to took place on the 20th?

Mr. BITTMAN. Congressman, I just can't answer that question. It could well be. I have been with Mr. Hunt before the Senate Watergate Committee on just numerous occasions where they questioned him for hours and hours and hours, and I just don't recall if he ever specifically said the 20th or not. I don't have that kind of a recollection, I am sorry.

Mr. RAILSBACK. OK, thank you.

The CHAIRMAN. Mr. Conyers?

Mr. CONYERS. Mr. Bittman, let me test your credibility. Are you under examination or investigation by the bar association?

Mr. BITTMAN. Not to my knowledge.

Mr. CONYERS. Are you an unindicted coconspirator in the Watergate coverup matter?

Mr. BITTMAN. I read that in the newspaper, Congressman, but I have not been so informed.

Mr. CONYERS. I don't have any further questions, Mr. Chairman.

Mr. BITTMAN. I might say I don't know what that would have to do with my credibility.

Mr. CONYERS. Well, we might still find out what it has to do with your credibility, even based on this answer, sir.

I don't have any further questions.

The CHAIRMAN. Mr. Wiggins?

Mr. WIGGINS. Mr. Bittman, my notes indicate that your notes indicate that your client's decision to enter a plea of guilty was "almost solely based upon the death of his family and its effect upon himself and his family"—the death of his wife, I beg your pardon—"and its effect upon himself and his family."

Am I correct, first of all, in that quote?

Mr. BITTMAN. I believe that is correct. I mean certainly another factor that was taken into consideration was the overwhelming nature of the case that the Government had against him. I mean certainly that was considered. But he was aware of that before I had the conversation with him on December 10. So therefore, I think the death of his wife was the motivating factor of that decision.

Mr. WIGGINS. Had it not been for the death of his wife, would you have gone to trial in this case?

Mr. BITTMAN. Yes, sir, and I was prepared to go to trial.

Mr. WIGGINS. Mr. Bittman, the grand jury which was meeting late in March 1973 was investigating what subject so far as you know?

Mr. BITTMAN. Watergate.

Mr. WIGGINS. So far as you know, do you have any reason to believe at all that your client failed to testify fully and accurately before that grand jury?

Mr. BITTMAN. Well, again, I was not in the grand jury.

Mr. WIGGINS. But I am asking you if you have any reason to know that he did not testify fully and accurately before the grand jury?

Mr. BITTMAN. Yes, sir.

Mr. WIGGINS. You do have reason to know?

Mr. BITTMAN. Yes, sir.

Mr. WIGGINS. State your reason, please.

Mr. BITTMAN. Well, it is based on conversations with him.

Mr. WIGGINS. And under the circumstances, you cannot disclose those conversations?

Mr. BITTMAN. I just don't see how I can, Congressman. I would have no reluctance to, but I don't see how I can.

Mr. WIGGINS. Is your former client at this time faced with perjury charges arising out of his testimony before that grand jury?

Mr. BITTMAN. No, sir, and I might say that ultimately, to the best of my knowledge, he testified fully and honestly to all questions that were asked.

Mr. WIGGINS. Did the plea of guilty which was entered have anything to do with testimony before that grand jury? Indeed, it could not, because the grand jury testimony followed the plea, as I remember.

Mr. BITTMAN. I might say this, that in October 1972, all counsel for the Watergate defendants were informed by the prosecutors that under the authority of the *Kelly* case, after the Watergate trial was over with, whether they were convicted, acquitted, or what have you, they would be immunized and taken before the grand jury to testify fully as to what their knowledge was. So everyone, including the defendants, had that knowledge from October 1972 on.

Mr. WIGGINS. Did your client know of your conversations which you described as candid conversation, with the prosecutor about these several areas in which he did not wish to testify?

Mr. BITTMAN. Was Mr. Hunt aware of my conversation with the prosecutors?

Mr. WIGGINS. Yes.

Mr. BITTMAN. I believe he was.

Mr. WIGGINS. What did he say to you about those conversations, if you can tell us? Did he agree or not with your discussing these matters with the prosecutor?

Mr. BITTMAN. Well, of course, the thrust of my conversation with the prosecutors, Congressman, was that they defer certain matters to a later date. Mr. Hunt did not testify before anybody up until March 1973 in his life, and at that time, he was 56 years old. With his background with the CIA and the OSS, I knew it would take time before he would feel comfortable about testifying about matters and particularly that related to covert activities.

Mr. WIGGINS. Were you representing Mr. Hunt at a time when he was called to appear before a grand jury in connection with the Ellsberg matter?

Mr. BITTMAN. Yes, sir.

Mr. WIGGINS. Do you have any reason to believe that he did not testify fully and accurately before that grand jury with respect to any matter before it?

Mr. BITTMAN. No; I do not. The immunity that I arranged for him was contingent upon his complete truthful testimony.

Mr. WIGGINS. So far as you know, are any perjury charges pending against your client with respect to any testimony he offered before the so-called Ellsberg grand jury?

Mr. BITTMAN. No, sir.

Mr. WIGGINS. That is the only question I have.

The CHAIRMAN. Mr. Eilberg?

Mr. EILBERG. Thank you, Mr. Chairman.

Mr. Bittman, I am not clear on the use or disposition of the \$75,000 that was delivered on March 21. Would you go over that again, please?

Mr. BITTMAN. You mean what was done with it?

Mr. EILBERG. Yes.

Mr. BITTMAN. I don't know what was done with it, Congressman.

Mr. EILBERG. Did you retain it as counsel fees?

Mr. BITTMAN. No, sir. The last \$110,000 in fees that I received from Mr. Hunt was by check. The \$75,000 that apparently was in the envelope that was delivered to me was given to him and to this day, I don't know what he did with it.

Mr. EILBERG. Are you aware that this committee had testimony yesterday indicating that that \$75,000 was intended to be used as legal fees for you or for your firm?

Mr. BITTMAN. That might be. All I can testify to are what the facts are as I know them. That money did not come to me as legal fees in any manner, shape, or form.

Mr. EILBERG. So that the individual who delivered that money to you did not carry out the purpose that he had in mind, apparently.

Mr. BITTMAN. Perhaps he could have used it as reimbursement to Mr. Hunt as legal fees. I don't know. But I never received one nickel of that \$75,000.

Mr. EILBERG. With respect to other cash, you said you received only \$46,000 in cash?

Mr. BITTMAN. Yes, sir.

Mr. EILBERG. What about the original payment of \$1,000? In what form was that?

Mr. BITTMAN. Cash, sir.

Mr. EILBERG. So you received more than \$46,000?

Mr. BITTMAN. No, sir, \$46,000. \$1,000, \$25,000, and \$20,000.

Mr. EILBERG. I see. Can you tell us a little bit more about the character of the 100 envelopes that you received at your home and your office?

Mr. BITTMAN. They were all kinds of envelopes, all shapes, sizes. Some that had return addresses on them, some didn't. I would just put them in an envelope and periodically give them to Mr. Hunt.

Mr. EILBERG. How did they come to you?

Mr. BITTMAN. I assume because of publicity in the newspaper surrounding the fact that I was representing him.

Mr. EILBERG. Did you open any of them at all?

Mr. BITTMAN. Never.

Mr. EILBERG. Did any of these contain any cash?

Mr. BITTMAN. I don't know.

Mr. EILBERG. Did you ever discuss the contents of any of these with your client?

Mr. BITTMAN. Yes, I did.

Mr. EILBERG. What did he tell you?

Mr. BITTMAN. Well, let me tell you what I told the prosecutors. That on one occasion, he mentioned to me that many people were just seeking autographed pictures and things of that nature. I think this was the general tenor of some of the envelopes. It is not as ominous as it might appear.

Mr. EILBERG. Mr. Bittman, we have heard testimony that envelopes were delivered to your residence, other envelopes, with cash in them. Do you know anything about that?

Mr. BITTMAN. Other than what I have testified to?

Mr. EILBERG. Yes, sir.

Mr. BITTMAN. Absolutely not.

Mr. EILBERG. One other question. In your conversation with Charles Colson, where he said he would do anything that he could and he subsequently wrote a letter, can't we fairly assume that he was carrying out his effort to obtain a lighter sentence or clemency or commutation, if you please? Isn't that a fair interpretation?

Mr. BITTMAN. It was not a fair interpretation to me at the time.

Mr. EILBERG. Yet you did go to him for help in behalf of your client, who you felt had a commitment, is that right?

Mr. BITTMAN. Well, there is more background to it than that. There was an estrangement between Mr. Colson and Mr. Hunt during this period of time—quite a bit of period of time. The only reason I went to see Mr. Colson was because Mr. Hunt asked me to. And when Mr. Colson said these nice things about Howard Hunt, that is, when Mr. Hunt asked me to go back to see him and said, could we call upon him or could he be of some assistance in the event he received a substantial sentence. It was in that context.

Mr. EILBERG. No further questions, Mr. Chairman.

The CHAIRMAN. Mr. Dennis?

Mr. DENNIS. Mr. Bittman, you have testified that this \$75,000 payment in March of 1973 was on or about the 20th or the 21st of March, that you are not certain which, but you incline to the 21st. Is that correct?

Mr. BITTMAN. Yes, it is, Congressman.

Mr. DENNIS. And will you state once more why it is you are inclined to the 21st?

Mr. BITTMAN. Because I have a notation in my daybook on March 22d which indicates that I had a conference with Howard Hunt at approximately 8 o'clock or 8:15 in the morning.

Mr. DENNIS. On the 22d?

Mr. BITTMAN. On the 22d.

Mr. DENNIS. All right.

Mr. BITTMAN. Now, that reference would indicate to me that I received the envelope the night before and that that was a notation that he came to my home to pick it up.

Mr. DENNIS. You have no independent memory other than that as to what you talked to him about that morning?

Mr. BITTMAN. Other than what memory I have and I have no similar type references for any other day.

Mr. DENNIS. And that is the sole reason why you incline to the 21st over the 20th?

Mr. BITTMAN. That is the only reason.

Mr. DENNIS. Reference has been made by Mr. Railsback, who read the testimony, as to Mr. Hunt's testimony to Mr. Dash in September 1973 before the Senate Select Committee. Did it come to your attention that in the preceding July of 1973, Mr. Hunt stated to the grand jury that in his judgment, this payment was made on or about March 20th?

Mr. BITTMAN. Congressman, I have never had access to Mr. Hunt's grand jury testimony. I don't know what he testified to before the grand jury concerning that date.

Mr. DENNIS. And you have not talked to him about that particular matter, then?

Mr. BITTMAN. I have, and as I mentioned in my testimony earlier, without getting into a specific conversation, I don't believe Mr. Hunt knows what date it was.

Mr. DENNIS. But at any rate, what he said to the grand jury you do not personally know?

Mr. BITTMAN. No, sir.

Mr. DENNIS. Now, when Mr. Parkinson went back and said he would check on the commitments and then came back and told you that he had checked and there were commitments, did he say who had made the commitments or what the commitments were?

Mr. BITTMAN. He did not say who made the commitments. He did indicate that it would cover legal fees, expenses, replacement income, and he might have said, rehabilitation, I am not sure about that.

Mr. DENNIS. And did you ask him who had made the commitment?

Mr. BITTMAN. I did not.

Mr. DENNIS. Did he tell you who he had checked with?

Mr. BITTMAN. No, sir.

Mr. DENNIS. And did you make any inquiry as to that?

Mr. BITTMAN. No, sir.

Mr. DENNIS. Now, you stated, I think this morning, that you felt and still feel that you had good grounds for your motion to suppress the evidence obtained from the search of Mr. Hunt's safe, is that correct?

Mr. BITTMAN. I testified that I felt the search was illegal.

Mr. DENNIS. That is correct. That is what you said.

And following from that, am I correct in, or do you believe that you had a reasonably good ground for that motion to suppress the illegal search?

Mr. BITTMAN. No, sir.

Mr. DENNIS. You do not think so?

Mr. BITTMAN. The reason I do not think so is that after I saw the information that the Government showed to me that they represented was all the information taken from the safe, it would have rendered the thrust of the motion moot. The only thing that I would have successfully suppressed was a suitcase full of electronic equipment. The theory of the motion to suppress was to obtain certain notebooks that Mr. Hunt had in there that I assumed the Government used in its investigation and prosecution to develop leads that what I sought to achieve was to taint the entire Government's case. Those notebooks were not there.

Mr. DENNIS. So that in fact you became convinced, what you are saying is you became convinced from talking to the Government and



seeing what they had that there was nothing in the safe that you could suppress that was relevant to the charge?

Mr. BITTMAN. With the exception of that suitcase of electronic equipment which was nothing but cumulative evidence based on my overall analysis of the strong case that they had.

Mr. DENNIS. And therefore did you come to the conclusion that the motion to suppress was not important to your defense?

Mr. BITTMAN. It would have been important to the defense had Mr. Hunt gone to trial, because even if I could have suppressed just a suitcase at least I would have achieved something.

Mr. DENNIS. Well, you might, as you say, still have succeeded in tainting the case for the prosecution?

Mr. BITTMAN. No, sir. Not based on what I reviewed in the U.S. attorney's office. It would not have tainted anything. The taint theory is that the Government has to utilize evidence, names or other evidence based on illegal search and then based upon that they develop leads and followup. All I had was a suitcase and that could not have tainted any other evidence that they had against Mr. Hunt, to my knowledge.

Mr. DENNIS. Then you might have suppressed the suitcase and that's all?

Mr. BITTMAN. That's right.

Mr. DONOHUE [presiding]. The time of the gentleman has expired.

Mr. Waldie.

Mr. WALDIE. Yes. Mr. Bittman, when Mrs. Hunt gave you these two exhibits, No. 1 and No. 2, the two memos,<sup>1</sup> she was then your client, was she not?

Mr. BITTMAN. Yes, sir.

Mr. WALDIE. And were these given to you in your capacity as her counsel?

Mr. BITTMAN. Well, I assume so, yes, Congressman.

Mr. WALDIE. That was your assumption at the time they were given to you?

Mr. BITTMAN. Well, I mean she wouldn't have given me anything else in any other capacity.

Mr. WALDIE. I would think not. And you delivered them to Mr. Parkinson?

Mr. BITTMAN. Yes, sir.

Mr. WALDIE. Pursuant to your role as counsel?

Mr. BITTMAN. No, pursuant to her instructions.

Mr. WALDIE. But that was as your role as counsel for Mrs. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. WALDIE. You were following your client's instructions, and I presume in reading these documents you had an obligation, and obviously as a careful attorney fulfilled the obligation of counseling her as to whether she herself was involved in any incriminating or questionable activities?

Mr. BITTMAN. No; I did not believe that that was appropriate. These accountings which I received to me were absolutely consistent with my strong feeling that I had from the outset of my representation that these moneys came from a defense fund, and there is nothing inconsistent with these accountings and that defense fund theory

<sup>1</sup> See pp. 17, 19.

which I stated to my own partners on July 7, 1972 and stayed with me until the Senate Watergate testimony.

Mr. WALDIE. I see, all the way up to the Senate Watergate you believed in the defense fund theory?

Mr. BITTMAN. Yes; I did. Rightfully or wrongfully.

Mr. WALDIE. So where your client said Mr. Rivers "was able to scrape up" on such short notice, that did not seem inconsistent with your understanding of the high-powered Republican defense fund?

Mr. BITTMAN. No, it did not.

Mr. WALDIE. It did not. Now——

Mr. BITTMAN. I might add, I might add——

Mr. LATTI. Mr. Chairman? Mr. Chairman? I am going to object to that question because it is not accurate when he said Republican defense fund. That sounds like the liberal press.

Mr. WALDIE. That's what he identified it as, Mr. Latta, if you had been listening carefully.

Mr. LATTI. If he wants to rephrase his question——

Mr. WALDIE. Let's clarify the matter. Is that not what you described the defense fund as, a Republican defense fund?

Mr. BITTMAN. I described it as what I thought was a defense fund set up by prominent Republicans.

Mr. WALDIE. All right. Does that satisfy you, Mr. Latta?

Mr. LATTI. Yes; that reduces it tremendously.

Mr. WALDIE. I see.

All right, Mr. Bittman, when you took these to Mr. Parkinson, was Mr. Parkinson's role consistent with your understanding that this was consistent with a defense fund of prominent Republicans?

Mr. BITTMAN. Yes, sir.

Mr. WALDIE. What did you think Mr. Parkinson's role was in that defense fund?

Mr. BITTMAN. I thought that he was in effect a—I don't know how I should put it—a conduit or that he was the one that was distributing the funds from the fund.

Mr. WALDIE. Did you think the fact that he was connected with CRP had anything to do with the defense fund of prominent Republicans?

Mr. BITTMAN. No. I think my strong feeling that these funds could not have come from the Committee To Re-Elect the President or the White House, I think led greatly to my conclusion.

Mr. WALDIE. But you felt that this defense fund people gave the money to Mr. Parkinson as a conduit to distribute?

Mr. BITTMAN. Yes; that is exactly what I thought.

Mr. WALDIE. And whom did you think Mr. Parkinson would distribute them to, to Mrs. Hunt, your client?

And that's why she accounted to him?

Mr. BITTMAN. Well, Mr. Parkinson was the one that told me that Rivers——

Mr. WALDIE. Yes; I recall that.

Mr. BITTMAN [continuing]. Was OK to talk to and it all gets back to that.

Mr. WALDIE. It sure does. I recall that.

Mr. BITTMAN. And if I was correct there was a defense fund, it all seemed to tie in to me. I mean, I now am aware that I had a very erroneous assumption, but that nevertheless is——

Mr. WALDIE. I understand.

Mr. BITTMAN. Was my strong feeling at the time.

Mr. WALDIE. And when you called Mr. O'Brien to convey to him the need of Mr. Hunt to discuss additional moneys, were you under a similar delusion that Mr. O'Brien then was a conduit for this defense fund of prominent Republicans?

Mr. BITTMAN. Yes, sir.

Mr. WALDIE. And so that when you sent Mr. O'Brien down into the room with Mr. Hunt and did not join him, was it because you did not want to overhear what that conversation was? You wanted to be away from those gentlemen so they could talk in confidence?

Mr. BITTMAN. I have no recollection, Congressman, of purposely avoiding the particular meeting.

Mr. WALDIE. Did Mr. Hunt request you not be present when he spoke to Mr. O'Brien?

Mr. BITTMAN. I am sure he did not.

Mr. WALDIE. It seems so strange for an attorney to permit another attorney to discuss with his client outside of his absence matters of enormous importance, as it later turned out, though at the time I gather you felt they were rather insignificant matters that did not require your attention and presence?

Mr. BITTMAN. I made a decision at the time that it wasn't necessary for me to attend.

Mr. DONOHUE. The time of the gentleman has expired.

Mr. FISH.

Mr. WALDIE. Mr. Chairman, may he answer the last question?

Mr. DONOHUE. I'm sorry, but your time has expired.

Mr. WALDIE. All right.

Mr. DONOHUE. Mr. Fish.

Mr. FISH. Thank you, Mr. Chairman.

Mr. Bittman, I understood that it was on the representation and the authority of Mr. Parkinson that you gave credence to Mr. Rivers? From my notes however, you did not show who introduced you or authorized Mr. Baker, then allegedly Mr. Baker was a person you could deal with.

Mr. BITTMAN. No one did introduce me to Mr. Baker.

Mr. FISH. And so then you just received calls from him asking if you were going to be home and just did you receive a package, you just went ahead and did that?

Mr. BITTMAN. That's correct.

Mr. FISH. Without getting any authority? Am I correct that there were a total of four deliveries through this Baker call and the subsequent deliveries to your home?

Mr. BITTMAN. I am not certain how many deliveries there were, but I think there were approximately four.

I would say three or four.

Mr. FISH. Now, if I could take you back to that time in your office, I believe the 16th of March when Mr. Hunt and Mr. O'Brien met, do I understand that it is your recollection that after those two gentlemen talked in another part of your law firm that subsequent to that meeting Mr. O'Brien did not say to you, recount his conversation with Mr. Hunt to you in terms of the commitment and in terms of the figure of \$60,000 for legal fees and \$70,000 for a 2-year period of sustenance?

Mr. BITTMAN. I have absolutely no recollection of Mr. O'Brien mentioning any amount of money to me.

Mr. FISH. Mr. Chairman, I would like to yield to Mr. Dennis at this point.

Mr. DENNIS. I thank the gentleman for yielding.

Mr. Bittman, had you gone to trial would you have pursued the motion to suppress?

Mr. BITTMAN. Yes, sir.

Mr. DENNIS. But as a matter of fact, because of the guilty plea there was no hearing and it was never determined; is that correct?

Mr. BITTMAN. That's correct. I can go into that. There are a lot of reasons why I didn't pursue it and I will be happy to.

Mr. DENNIS. But as a matter of fact, the guilty plea was entered without a final hearing or disposition on that motion; is that true?

Mr. BITTMAN. That's correct.

Mr. DENNIS. When Mr. O'Brien was in your office on March 16, did he say anything about Mr. Hunt stating that he had done seamy things for the White House or that he would have to reconsider his options if his commitments weren't met or anything of that kind to you?

Mr. BITTMAN. I have no recollection of Mr. O'Brien mentioning that to me, sir.

Mr. DENNIS. If Mr. O'Brien has so testified, would you say to the committee that he was not correct in his statement?

Mr. BITTMAN. I would say he is mistaken.

Mr. DENNIS. Did there come a time, Mr. Bittman, in August of 1973, when you terminated your representation of Mr. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. DENNIS. And was that done at anyone's suggestion?

Mr. BITTMAN. It was based upon a conversation that I had with Mr. Cox and Mr. Neal, Special Watergate Prosecutor's office.

Mr. DENNIS. So your termination of your representation of Mr. Hunt was based on conversation with the Special Prosecutors; is that correct?

Mr. BITTMAN. It was based upon a conversation but it was a voluntary decision by me. I was not required to step down.

Mr. DENNIS. Well, why did you step down after that conversation?

Mr. BITTMAN. Because they felt that it would appear, it had—I am trying to think of Mr. Cox's exact words, that it had the appearance of a possible conflict of interest. That's what he told me.

Mr. DENNIS. In what respect?

Mr. BITTMAN. The fact that Mr. Hunt and I may be called upon to testify to certain conversations, and that some people might suspect that I am such a dominant force that he would be inclined to testify in a certain manner to protect me.

I might say since that time there has been no discrepancies in my testimony and Mr. Hunt's.

Mr. DENNIS. The suggestion being that you were both witnesses perhaps to matters that Mr. Cox was interested in?

Mr. BITTMAN. Yes, sir. That's correct.

Mr. DENNIS. And was he throwing out any suggestion at the time that he might be contemplating charges against you as well as against Mr. Hunt?

Mr. BITTMAN. Absolutely not.

Mr. DENNIS. That was not the nature of the conflict of interest?

Mr. BITTMAN. It definitely was not. It was the appearance of a possible conflict of interest. Those are the words that Mr. Cox stated to me at that time.

Mr. DENNIS. And again what did he claim this conflict was, Mr. Cox?

Mr. BITTMAN. That Mr. Hunt and I would testify to certain conversations and that Mr. Hunt's testimony was critical to those conversations and that if he was represented by another lawyer and Mr. Hunt testified in the same manner he always had, that it would not appear that there might be a conflict then if I were advising him with respect to those conversations.

Mr. DONOHUE. The time of the gentleman from New York has expired.

Mr. Flowers.

Mr. FLOWERS. Thank you, Mr. Chairman.

Mr. Bittman, you were employed to represent Mr. Hunt in initially—in his behalf on potential charges that might arise out of the Watergate break-in?

Mr. BITTMAN. Both civil and criminal, Congressman.

Mr. FLOWERS. Yes, sir. I understand that. And that was the extent of your employment by Mr. Hunt?

Mr. BITTMAN. Well, there were other things that I subsequently performed for him but that was the basis of the initial representation.

Mr. FLOWERS. The initial representation. The other things were all connected therewith though, were they not?

Mr. BITTMAN. Yes, sir.

Mr. FLOWERS. In that connection, you, I gather, appeared at pleadings for him in both civil and criminal matters, accompanied him to the grand jury, met with attorneys for the Government as well as attorneys for the plaintiff and other defendants in both civil and criminal cases?

Mr. BITTMAN. Yes, sir, that was done on a very frequent basis.

Mr. FLOWERS. Over a period of some 8 or 9 months?

Mr. BITTMAN. Yes, sir.

Mr. FLOWERS. Now, during that period of time, Mr. Bittman, did other members of your firm appear with you in these more or less public forums?

Mr. BITTMAN. I would say Mr. Mittler was always with me. He was another partner, and from time to time, depending upon the magnitude of the matter, one or two associates might be there as well.

Mr. FLOWERS. And the other firm time was done in either research or consultation with various members of the firm who were more intimately involved in the cases?

Mr. BITTMAN. Yes, sir, voluminous legal papers were filed in both the civil and the criminal cases. I mean I think that the pleading file alone is a file drawer and one-half.

Mr. FLOWERS. The civil case, Mr. Hunt was named as an individual defendant along with the Committee To Re-Elect the President and other parties in the case filed by the Democratic Committee?

Mr. BITTMAN. He wasn't named initially, but subsequently the complaint was amended and he was named a defendant.

Mr. FLOWERS. He was named—well, the extent of your legal services is only in defending Mr. Hunt? It was not in any way the representation of the CRP?

Mr. BITTMAN. Oh, that's correct. I was only representing Mr. Hunt. That was clear to everyone involved.

Mr. FLOWERS. All right. Thank you, sir. No further questions, Mr. Chairman.

Mr. DONOHUE. Mr. Mayne.

Mr. MAYNE. Thank you, Mr. Chairman. Mr. Bittman, I am down here at the end.

I believe you testified that it was your strong feeling that Mr. Hunt would have proceeded to trial had it not been for the tragic death of his wife?

Mr. BITTMAN. Yes, sir.

Mr. MAYNE. And that in any event you were certainly fully prepared for trial?

Mr. BITTMAN. Yes, sir, I was prepared as I could be.

Mr. MAYNE. Well, I am getting a somewhat different impression now. I thought when you addressed yourself to this when answering Mr. Wiggins' question that you stated quite confidently that you were prepared for trial?

Mr. BITTMAN. I was prepared for trial, no question about it but it was a very difficult case.

Mr. MAYNE. When had you made your trial preparations?

Mr. BITTMAN. I would say we started as soon as we received a copy of the indictment, and between 24 hours I had a meeting with six attorneys in my office giving them various assignments.

Mr. MAYNE. Well, and what time frame of work?

Mr. BITTMAN. Well, it was a continuous thing, Congressman. It was continuous. That's all I can say. We then immediately filed pretrial motions. I think we filed some 14 pretrial motions and discovery motions to obtain certain things from the Government and certain information. We were interviewing witnesses. We went down to visit the prosecutors and examine the documentary and the physical evidence they had in their possession. This was all being done during this period of time.

Mr. MAYNE. Excuse me. I didn't mean to inquire into all of the things that you did to prepare. I just wondered when you had completed your preparations?

Mr. BITTMAN. Well, I think anyone that has defended a defendant in a criminal case knows that you never complete your preparation.

Mr. MAYNE. That sounds more like it.

Mr. BITTMAN. But I felt I was ready for trial, as well as I could be at that time.

Mr. MAYNE. Of course, you testified that you had learned 3 or 4 weeks prior to June or to January 3 that there wasn't going to be a trial as far as Mr. Hunt was concerned?

Mr. BITTMAN. On December 10 I learned that.

Mr. MAYNE. Thank you. I yield back the balance of my time.

Mr. DONOHUE. Mr. Mann.

Mr. MANN. No questions. Thank you.

Mr. DONOHUE. Mr. Hogan.

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. Bittman, on or about March 16, 1973, was it your impression that Mr. Hunt was in desperate financial straits?

Mr. BITTMAN. No, sir.

Mr. HOGAN. In other words, he had ample resources to support himself at that time from his insurance money or other sources?

Mr. BITTMAN. Well, he had the insurance money, and I know he received a pension from the CIA. But, of course, no one knew what the legal fees and other expenses would be in the future and, of course, no one knew how long he was going to be in jail. He did have four motherless and fatherless children at that point.

Mr. HOGAN. And also on or about March 16, 1973, the fees run up in your defense of Mr. Hunt, as I understood from your testimony, were current at that time?

Mr. BITTMAN. Through the end of March—I mean, let me put it this way, with the payment that he made in early April we were just about at the break-even point. We might have been about \$5,000 or \$6,000 behind but virtually at the break-even point.

Mr. HOGAN. So it is safe to assume then that at least at that point you were not pressing him for payment of attorney's fees?

Mr. BITTMAN. That's correct.

Mr. HOGAN. So when it was stated by Mr. O'Brien that Mr. Hunt mentioned the need for \$75,000 in attorney's fees, do you have any idea on what Mr. Hunt based that figure?

Mr. BITTMAN. Well, now, I am confused. When I said I wasn't pressing Mr. Hunt for attorney's fees, I meant after the \$60,000 payment.

Mr. HOGAN. Which came before March 16?

Mr. BITTMAN. No, it came after, came in early April. But certainly I had discussions with Mr. Hunt about attorney's fees prior to that time.

Mr. HOGAN. Well now, did he have then ample basis for the \$75,000 figure that he mentioned, that he is reported to have mentioned to Mr. O'Brien?

Mr. BITTMAN. No figure was mentioned to me, Congressman that I can recall.

Mr. HOGAN. Yes, I understand that. But, you don't have any idea on what Mr. Hunt could have based this \$75,000 figure?

Mr. BITTMAN. Well, based on my conversations with him, testimony given before the Senate Watergate Committee, I assume he was basing it upon serving 2 years in jail.

Mr. HOGAN. But getting back to the point, that was not his amount of arrearage at that point in time with your firm?

Mr. BITTMAN. Well, then I gather your question is at approximately March 16 what did he owe to my law firm?

Mr. HOGAN. Right.

Mr. BITTMAN. I would say approximately \$45,000 or \$50,000, maybe a little more.

Mr. HOGAN. Thank you. And I think you also testified that you didn't get any of that \$75,000 as part of your fee?

Mr. BITTMAN. No, sir.

Mr. HOGAN. Now, recalling your testimony this morning, I am confused about this escrow fund which your firm established. Could you explain why your firm established the escrow fund?

Mr. BITTMAN. Yes, sir. It was a concern by the partnership that some evidence might come out, for example, at the Senate Watergate Committee testimony, that the funds that had been paid Hogan and Hartson were tainted and initially it was felt only to escrow the \$46,000 because that represented the cash payment. But, after a discussion at a partnership meeting they finally voted and said let's escrow all of it even though \$110,000 was paid to the firm by check and that escrow is still in existence today.

Mr. HOGAN. There was never—was there any discussion at any time between you and Mr. Hunt or you and Mrs. Hunt or you and your partners or you and anyone else about the use of money from this escrow fund to pay for the support of Mr. Hunt while he is in prison or for the support of his family while he was in prison?

Mr. BITTMAN. Oh, absolutely not. I believe the escrow fund was set up, Congressman Hogan, after I ceased representing Mr. Hunt. It had nothing to do with the representation of Mr. Hunt at all.

Mr. HOGAN. Thank you very much. Thank you, Mr. Chairman.

Mr. DONOHUE. Mr. Sarbanes.

Mr. SARBANES. Mr. Bittman, how did Mr. and Mrs. Hunt happen to come to your house on the third of July to seek your representation?

Mr. BITTMAN. Early that day, Congressman, I received a telephone call from an attorney in Los Angeles who asked me if I would be interested in representing Howard Hunt or if I would be available to represent Mr. Howard Hunt. I then called a member of our firm's executive committee to find out whether or not he would have any problems with my getting involved in that kind of a case.

He said no. Either I called the attorney from Los Angeles or he called me back and I said no, we don't have any prohibition. I said have Mr. Hunt see me and I will have a discussion with him and I will then decide whether or not I will represent him. That's how it happened. That was on July 3, 1972.

Mr. SARBANES. What did you understand that at that point that kind of a case involved?

Mr. BITTMAN. Well, I knew that certainly it was a political case, it certainly had a tremendous amount of publicity, and there were articles in the paper about the fact that Hunt had disappeared.

Mr. SARBANES. Now, subsequent to your meeting with Mr. and Mrs. Hunt on the night of July 3, did you then discuss further with your partners or members of your firm taking the case or was that conversation, was that matter simply the one conversation prior thereto?

Mr. BITTMAN. No; I am sure that—you see this was the Fourth of July weekend. I am sure that I had conversations with certain people in the firm about the fact that I accepted the representation, but I don't recall.

Mr. SARBANES. You mean following have done that?

Mr. BITTMAN. Following that.

Mr. SARBANES. On the night of the third?

Mr. BITTMAN. Right; but I don't recall who they were.

Mr. SARBANES. Now, is Mr. Mittler a partner junior to you or was he a partner junior to you in Hogan and Hartson?



Mr. BITTMAN. Yes, sir.

Mr. SARBANES. So you were the senior man with respect to the representation of Mr. and Mrs. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. SARBANES. Now, I understand that you received a call from a Mr. Rivers on the morning or on the 6th of July prior to the meeting that you had with Mr. Parkinson and the other attorneys, is that correct?

Mr. BITTMAN. That's correct.

Mr. SARBANES. Now, at that point is it your testimony that this was just a strange phone call, or did it have some meaning or significance to you?

Mr. BITTMAN. I knew that it related to—I felt it related to the representation of Mr. Hunt because I knew he was a writer, but I thought it was an effort to blackmail Mr. Hunt, about how much this script is going to cost and things like that. I thought it was a blackmail effort, or an extortion effort or what have you.

Mr. SARBANES. And then at what point did your view of what the phone calls from Mr. Rivers represented change and why?

Mr. BITTMAN. Well, based on the representations of Mr. Parkinson, I felt that it was all right to talk to him and that any threat of a possible extortion had been obviated.

Mr. SARBANES. Now, over the next few months, how often would you have telephone conversations with someone who identified himself as Mr. Rivers?

Mr. BITTMAN. Well, there were very few, but I would say maybe four or five or six.

Mr. SARBANES. Was an envelope delivered subsequent to each of those conversations?

Mr. BITTMAN. No, sir. Only the envelopes I received that I have already testified to, and as I testified this morning there is some confusion in my mind as to whether or not it was Mr. Rivers who called me in October or not. I felt it was Mr. Rivers. Mr. LaRue has testified before the Senate that he made the call, so there is a discrepancy and I can't resolve it.

Mr. SARBANES. What did the calls with Mr. Rivers pertain to in those instances in which it did not pertain to the delivery of an envelope?

Mr. BITTMAN. Well, I had three or four conversations with him just about the \$25,000, because he called me and he hung up, then he called me again and I don't believe that I gave him an amount right away. I believe he had to call me back again. And then he did call me back, and that's three telephone calls right there. And I do have a vague recollection of another conversation in which he called me to find out if everything was all right and I said that there was concern within the firm about the manner of payment.

I'm not positive about that. Mr. Ulasewicz has testified to that and I seem to have a vague recollection of that conversation.

So, with the conversation in October, that's five conversations right there.

Mr. SARBANES. And those are the conversations that you recollect?

Mr. BITTMAN. Those are the ones that I can recall, yes, sir.

Mr. DONOHUE. The time of the gentleman from Maryland has expired.

Mr. Butler.

Mr. BUTLER. Thank you, Mr. Chairman.

Mr. BITTMAN, I am concerned a little bit because I wasn't aware prior to today of the substantial accident insurance, I judge that it was on Mrs. Hunt. Is that a matter of general information?

Mr. BITTMAN. Oh, yes, sir. There was a tremendous amount of publicity about that shortly after her death.

Mr. BUTLER. About the amount of insurance coverage?

Mr. BITTMAN. Yes, sir.

Mr. BUTLER. And then do you feel that Mr. O'Brien was aware at the time of your meeting with him on March 16 of the amount of this?

Mr. BITTMAN. Absolutely. He had to be aware of it. There was a tremendous amount of publicity in the newspaper about that, the insurance policies.

Mr. BUTLER. You understood that, you think that he was quite conscious of this amount of money that had come to Mr. Hunt from these other sources?

Mr. BITTMAN. I am sure, certain that he was aware of it.

Mr. BUTLER. Is it my understanding from your testimony that the \$60,000 which was paid in April was in all probability money which came from the insurance proceeds?

Mr. BITTMAN. \$50,000 of that \$60,000 came directly from the insurance policies; \$10,000 represented a cashier's check that I was holding for Mr. Hunt at his request and I don't know the source of that money.

Mr. BUTLER. But that was the security for a bond of some kind?

Mr. BITTMAN. Yes, sir. The \$50,000 came from a savings account that had been set up for the bond which came directly, directly traceable from the insurance proceeds.

Mr. BUTLER. Well, now, so we are well satisfied then that the \$60,000 does not come from the \$75,000 which you handled on the evening of March 20 or 21?

Mr. BITTMAN. No, it could not have.

Mr. BUTLER. Can you give us some information as to the size of Mrs. Hunt's estate?

Were there substantial assets other than the \$250,000?

Mr. BITTMAN. My recollection is that it was a very meager, very small estate.

Mr. BUTLER. One more question if I may. I thought I heard this but I wanted to understand again. The so-called seamy things comment that's received quite a bit of attention, that was made out of your presence?

Mr. BITTMAN. It was made out of my presence, and it was a statement that I was not aware of until some time later.

Mr. BUTLER. But you are satisfied that that statement was actually made to O'Brien?

Mr. BITTMAN. Well, I know Mr. O'Brien has testified to it. I know that Mr. Hunt has testified to it, so I assume it took place.

Mr. BUTLER. Yes. Thank you. That's what I wanted. Now when did you become aware of the fact that this statement had been made?

Mr. BITTMAN. Well, Mr. Hunt testified before the Senate Watergate Committee.

Mr. BUTLER. And that was your first information on it?

Mr. BITTMAN. And Mr. O'Brien has told me about that conversation

when he was preparing Mr. Hunt for grand jury testimony probably in April or May.

Mr. BUTLER. April or May 1973. All right. Thank you, Mr. Bittman. Thank you, Mr. Chairman.

Mr. DONOHUE. Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Chairman.

Mr. Bittman, what was the name of the attorney who referred Mr. Hunt to you as a client?

Mr. BITTMAN. Morton Jackson.

Mr. SEIBERLING. And he was from Los Angeles?

Mr. BITTMAN. Yes, sir. He's a personal friend of Mr. Hunt's, represented him in the capacity as an attorney and as a member of a law firm. I don't know how big it is out there. I didn't meet him. I didn't know him when he called me.

Mr. SEIBERLING. Do you know how much pension Mr. Hunt received from the CIA?

Mr. BITTMAN. No, sir; I do not.

Mr. SEIBERLING. Based on your observations of Mr. Hunt would you consider him to be an intelligent person?

Mr. BITTMAN. Yes, sir.

Mr. SEIBERLING. Would you consider that he had a reasonably or had a reasonably sophisticated perception of the things that motivate other people?

Mr. BITTMAN. I am not sure I understand that question.

Mr. SEIBERLING. Well, was he reasonably sophisticated about human nature?

Mr. BITTMAN. No, sir. Mr. Hunt was an operative and by operative I mean if he was given an order by a superior he would do it regardless of what it was.

Mr. SEIBERLING. Well, that isn't quite the point of my question. My point is did he understand what motivates people?

Mr. BITTMAN. I just don't think I understand the question. I don't think I can answer it. I'm sorry.

Mr. SEIBERLING. I see. All right. I yield my time to Mr. Sarbanes.

Mr. SARBANES. Mr. Bittman—

Mr. BITTMAN. I will be happy to answer it, Congressman, if you can rephrase it again. I am not trying to avoid it.

Mr. SEIBERLING. Well, my only question was was he reasonably conversant with human beings so that he would understand—

Mr. BITTMAN. Well, he was conversant with human beings but he has lived a very bizarre life with the CIA for 21 years involved in covert activities so that's all I can say.

Mr. SEIBERLING. Are you saying he didn't have dealings with other people?

Mr. BITTMAN. He had dealings with other people, but in I am sure a context that would be far different than you or I. And before he went with the CIA he was with the OSS, worked behind the lines in China to release prisoners during the Second World War. Everything he has done has been a different type of existence. So I don't think he would deal with people the same way you and I would.

Mr. SEIBERLING. But he had been around?

Mr. BITTMAN. Oh, he's been around.

Mr. SEIBERLING. Thank you. I yield.

Mr. SARBANES. Mr. Bittman, do I understand at some point in time the phone calls from Mr. Rivers ceased and phone calls began from Mr. Baker?

Mr. BITTMAN. Yes, sir.

Mr. SARBANES. Now, at the time you received the first phone call from Mr. Baker, what sort of identification was made of Mr. Baker or what did you presume Mr. Baker's role or authority to be?

Mr. BITTMAN. I didn't have the faintest idea. This individual called me and I didn't know who he was, and I said "who are you" and he said "This is Mr. Baker." And I said "well, what do you want?" And he said "I would like you to deliver an envelope to Howard Hunt." He said "Will you be home tonight?" And I said "Yes; I will." And he said "This is Mr. Baker." And I said "Well, what do you want?" And he then would have told me that at a specific time it would have been left in my mailbox.

Mr. SARBANES. And you would go out to the mailbox and collect these envelopes on the occasions of these deliveries?

Mr. BITTMAN. Yes.

Mr. SARBANES. Late in the evening?

Mr. BITTMAN. Yes; on three or four occasions this happened.

Mr. SARBANES. Where do you live?

Mr. BITTMAN. I live out in Potomac, Md.

Mr. SARBANES. And was your mailbox marked?

Mr. BITTMAN. It has my name on it.

Mr. SARBANES. That's what I mean.

Mr. BITTMAN. Yes. Well, maybe it doesn't have my name on it. It has my address on it.

Mr. SARBANES. Well, do you recall how many conversations you had with Mr. Baker?

Mr. BITTMAN. I am sure very few. I would say three or four.

Mr. SARBANES. And did they all relate to the delivery of an envelope to you for Mr. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. SEIBERLING. I yield back the balance of my time, Mr. Chairman.

Mr. DONOHUE. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chairman.

Mr. Bittman, as I understand it on March 16 you were asked by Mr. Hunt to contact Mr. O'Brien, that he wanted to talk to him and that you wanted to be present at this meeting, but the press of business prevented you, is that correct, at the time as best you can recollect?

Mr. BITTMAN. I have to say to the best of my recollection that is correct. Otherwise I would have normally attended that meeting.

Mr. COHEN. And Mr. Hunt also said for you to call Mr. Colson because Mr. O'Brien couldn't do anything for him, and which you did, and Mr. Colson said no; he didn't want to talk to Mr. Hunt directly but that Mr. Shapiro would talk to him, his attorney, is that correct?

Mr. BITTMAN. Yes.

Mr. COHEN. Were you not present at that meeting either?

Mr. BITTMAN. No; I was not.

Mr. COHEN. Is that due to the press of business also?

Mr. BITTMAN. I would have to assume it was. In fact, I don't even know when Mr. Hunt saw Mr. Shapiro.

Mr. COHEN. All right, Mr. O'Brien then, as you know, did testify before this committee that he related his conversation he had with Mr. Hunt to you and in that conversation he had been told that Hunt had done seamy things, that unless the commitments were kept, that he would have to review his options.

Now, you say that Mr. O'Brien is mistaken in saying he told all of this to you, only parts of it?

Mr. BITTMAN. I have had many conversations with Mr. O'Brien.

Mr. COHEN. OK.

Mr. BITTMAN. And Mr. O'Brien has stated to me on every occasion that I have talked to him that he never told me that Hunt told him at that time he had done seamy things for the White House.

Now, if he has testified differently yesterday, it is the first time to my knowledge.

Mr. COHEN. I don't think he did, he just said that he related a statement to you. Would you have regarded this statement about the seamy things, reviewing options, as an implied threat?

Mr. BITTMAN. With my sensitivity I might well have.

Mr. COHEN. Now—

Mr. BITTMAN. Although I will say this, that if Hunt had threatened O'Brien, I can't believe Paul O'Brien wouldn't have told me about it, which he never did, because I had frequent dealings with him during this period of time.

Mr. COHEN. All right now, let me ask you your opinion as an expert in the criminal law field. If Hunt had engaged in extortion, in making a threat, and you were to be the beneficiary of that extortion to the extent that you would get counsel fees out of it, would that subject you to a violation of law or criminal liability?

Mr. BITTMAN. I would say certainly if I was party to it.

Mr. COHEN. Or beneficiary of receiving that money through the extortion?

Mr. BITTMAN. You have to be more than a beneficiary. I would have to be a party to it, and you have to have knowledge of it.

If I had, certainly I would have withdrawn as counsel if I had even suspected that that was taking place.

Mr. COHEN. If the money from your fees were coming from an improper source, or what your partners called a tainted source, or an illegal source, such as the Committee To Re-Elect funds, would that have subjected you or your law firm to civil liability for those funds?

Mr. BITTMAN. That is a difficult question. I would say, I would say possibly.

Mr. COHEN. That's the reason—

Mr. BITTMAN. I can't answer that question.

Mr. COHEN. But that's the reason you had put the money, the \$156,000 into an escrow fund?

Mr. BITTMAN. Right. It was a sensitivity by the partners.

Mr. COHEN. After the fact, after the disclosures coming out in the Senate committee?

Mr. BITTMAN. With the Senate committee, right.

Mr. COHEN. Now, as I recall your testimony earlier this morning,

you had a conversation with Mr. Colson during which time you were discussing Mr. Hunt's safe or the safe of the U.S. Government in the Executive Office Building, and Colson told you to talk to Mr. Dean, as I recall, and correct me if I am wrong, and you said that you didn't want to talk to Dean because he was involved?

Mr. BITTMAN. Yes, sir.

Mr. COHEN. Now, when was that conversation that you had with Mr. Colson?

Mr. BITTMAN. January 3, 1973.

Mr. COHEN. What do you mean, Mr. Dean was involved in what?

Mr. BITTMAN. In the initial Watergate planning and break-in.

Mr. COHEN. And you knew this, I take it, as a result of your conversations with your client?

Mr. BITTMAN. Well, based on the hearsay information of my client. Mr. Hunt never had any personal knowledge of anything. It is all hearsay.

Mr. COHEN. So, it is all hearsay but you didn't want to talk to Mr. Dean for that reason. Now, when you had your meeting with Mr. Colson you said that you expressed your concern to him that Mr. Hunt could not stand a long-term incarceration?

Mr. BITTMAN. Yes, sir.

Mr. COHEN. What did you think Mr. Colson could do?

Mr. BITTMAN. Well, I can tell you what was in the back of my mind.

Mr. COHEN. If you would.

Mr. BITTMAN. And I felt that if Howard Hunt received a substantial sentence I would not have hesitated, and indeed I felt strongly, feel strongly, that I would have had the obligation to attempt to obtain a commutation of that sentence.

Mr. COHEN. Because of Mr. Colson's position?

Mr. BITTMAN. No. Well, certainly his position was critical.

Mr. COHEN. If I could—

Mr. BITTMAN. But you have to file to get a commutation or pardon, you have to file a petition with the Attorney General and three affidavits to accompany it. And I felt very strongly at the time, because of the death of his wife, serious medical problems his children had, his own medical problems, his 25-year service with the country, the type of offense, that if he received a 20- or 30-year sentence that that would be outrageous and I felt an obligation to do something.

Mr. COHEN. To tell Mr. Colson this?

Mr. BITTMAN. I did not tell Mr. Colson this because I wasn't going to do anything—

Mr. DONOHUE. The time of the gentleman from Maine has expired. Mr. Danielson.

Mr. DANIELSON. Thank you, Mr. Chairman.

Mr. Bittman, I direct your attention to the \$75,000 that has been the subject of a great deal of testimony here. It is my understanding that neither you nor your firm ever took any part of it as income or for any other purpose or at all?

Mr. BITTMAN. That's correct, in the broadest possible sense.

Mr. DANIELSON. How do you know there was \$75,000 in the envelopes?

Mr. BITTMAN. The reason I know that is because Howard Hunt testified to that in the grand jury and before the Senate Watergate Committee.

Mr. DANIELSON. But until that time, did you know there was \$75,000?

Mr. BITTMAN. Not until he told me.

Mr. DANIELSON. I understand that on occasions you said the envelope, and on other occasions you said envelopes, plural.

Mr. BITTMAN. That's right.

Mr. DANIELSON. Would you explain?

Mr. BITTMAN. I seem to have a vague recollection that there were four envelopes. Now, I could be completely mistaken—that's why there is some confusion.

Mr. DANIELSON. And there is no significance except you are not sure of the number, is that right?

Mr. BITTMAN. That's right. Otherwise, I am not aware of any significance to it at all.

Mr. DANIELSON. You commenced representing Mr. Hunt somewhere near the fourth of July of 1972?

Mr. BITTMAN. No, sir; on July 3, 1972.

Mr. DANIELSON. All right, July 3. Pretty close to the 4th. You were representing him, then, in September and in October of 1972?

Mr. BITTMAN. Yes, sir.

Mr. DANIELSON. For your information, in September of 1972, the House Committee on Banking and Currency, which is under the chairmanship of Wright Patman, was considering an investigation on some of the matters related to Watergate.

Mr. BITTMAN. That's right.

Mr. DANIELSON. At or about that time, did you or anyone known to you visit any member of the House Committee on Banking and Currency and point out to them in substance and effect that if you commenced hearings you are going to jeopardize the civil rights of these individuals in the worst way and they will never get a trial, in substance and effect?

Mr. BITTMAN. I did not, nor did anybody on behalf of Mr. Bunt, do that although I was requested to do it.

Mr. DANIELSON. You were requested to do it?

Mr. BITTMAN. Yes, sir.

Mr. DANIELSON. By whom?

Mr. BITTMAN. Kenneth Parkinson.

Mr. DANIELSON. He is the gentleman from the Committee To Re-Elect the President?

Mr. BITTMAN. Yes, sir. He called me up and suggested to me that it might be in order to contact certain Congressmen and inform them that Mr. Hunt's constitutional rights might be in jeopardy if they had open hearings and I said, thanks a lot, and that was it. At a later date, Mr. Parkinson called up Mr. Mittler to ask, when I was out of town, to ask him if we did it, and Mr. Mittler said no. So, it was never done.

Mr. DANIELSON. Did you have any other contacts with anyone else with respect to that subject?

Mr. BITTMAN. No, sir.

Mr. DANIELSON. And Mr. Parkinson's contacts were only with yourself and Mr. Mittler, so far as you know?

Mr. BITTMAN. So far as I know.

Mr. DANIELSON. Very well. Directing your attention to the memos which are Bittman exhibits No. 1 and No. 2, No. 1A and No. 2A,<sup>1</sup> when you turned those over to Mr. Parkinson, this is the same Mr. Parkinson to whom you have just alluded to the CRP?

Mr. BITTMAN. Yes, sir.

Mr. DANIELSON. Did he make any comment when you turned them over to him?

Mr. BITTMAN. No, sir.

Mr. DANIELSON. Except for the fact that he made a Xerox of at least one of them—maybe two of them—did he give any other noticeable, visible reaction?

Mr. BITTMAN. I have thought long and hard about that, Congressman, and I cannot recall any statement that he made when he looked at those two memorandums.

Mr. DANIELSON. Nor any other reaction that you note; is that correct?

Mr. BITTMAN. No, sir.

Mr. DANIELSON. Would it be a fair inference that he was not surprised to see them?

Mr. BITTMAN. If he had been surprised, or if he was aghast, I am sure I would have remembered the incident.

Mr. DANIELSON. And you do not remember the incident?

Mr. BITTMAN. I do not remember any reaction at all.

Mr. DANIELSON. And lastly, on this \$75,000, on your fees—

Mr. BITTMAN. Yes, sir.

Mr. DANIELSON. It is my understanding that the fee received by check in April could not have been derived from these \$75,000, if any moneys such as \$75,000 were in an envelope?

Mr. BITTMAN. I have been asked that question many times. It is impossible. The reason why it is impossible is because \$50,000 came from a Riggs cashier check directly from the savings account which was set up as a result of the proceeds of the insurance policies, and the \$10,000 check I had been holding for some time for Mr. Hunt in my safe.

Mr. DANIELSON. Anyway, we can definitely exclude that \$75,000 from your conversation?

Mr. BITTMAN. Yes, sir, absolutely.

Mr. DANIELSON. And last, did you ever talk personally or by telephone with John Dean?

Mr. BITTMAN. Never in my life have I spoken to John Dean.

Mr. DANIELSON. How about Mr. Moore, who was his assistant?

Mr. BITTMAN. No, sir, I have never talked to him.

Mr. DANIELSON. Mr. Ehrlichman?

Mr. BITTMAN. No, sir.

Mr. DANIELSON. Mr. Haldeman?

Mr. BITTMAN. No, sir.

Mr. DANIELSON. Mr. Higby?

Mr. BITTMAN. No.

Mr. DANIELSON. Thank you. Or Mr. Strachan. Excuse me?

Mr. BITTMAN. No, sir.

<sup>1</sup> See pp. 17, 18, and 19.



Mr. DANIELSON. No other questions.

Mr. DONOHUE. Mr. Lott.

Mr. LOTT. Mr. Bittman, why did the Hunts come to your home when you had the original meeting instead of to your office, or was there any particular reason you know of?

Mr. BITTMAN. Yes. They were being harassed at their home by the press.

Mr. LOTT. And therefore you felt that by coming to your home that night perhaps they could avoid——

Mr. BITTMAN. No; it was a very trying experience for me but because of the trauma that they were going through I agreed to that arrangement. They did not want to come downtown. On a couple of occasions they came downtown and it was bedlam with reporters chasing them down the street and what have you and therefore in most instances they came to my home in the evening.

Mr. LOTT. Did you receive any subsequent calls from the Mr. Baker after March 1973?

Mr. BITTMAN. Oh, I am sure I did not.

Mr. LOTT. You did not? And no subsequent deliveries?

Mr. BITTMAN. No. No, sir.

Mr. LOTT. And when you completed or ended your services as counsel for Mr. Hunt in August of 1973, there had not been any subsequent payments of your legal fees since of April of 1973 is that correct?

Mr. BITTMAN. That's the last payment, yes, sir.

Mr. LOTT. I yield to Mr. Cohen.

Mr. COHEN. Thank you for yielding.

Mr. Bittman, I would like to pursue the last question that I was asking you about your concern being expressed to Mr. Colson if your client received a 25-year sentence, that he certainly could not endure, and I asked you whether or not you felt because of Mr. Colson's position within the White House structure that this would be beneficial or helpful to your client.

Mr. BITTMAN. Certainly if I filed an affidavit it would be helpful. He was a man that had an excellent representation, he was a friend of Howard Hunt's, he was a friend of the family, he had given Mr. Hunt this employment opportunity, and when he—if I would need three affiants, certainly I would like him to be one of them, but I never discussed that with him.

Mr. COHEN. I understand. Commutation or clemency?

Mr. BITTMAN. Clemency is a new word. I am really talking about commutation or a pardon.

Mr. COHEN. The reason I asked the question is I recall the last time that you appeared before the committee, you were dealing with another matter, but you were representing a client, as you recall, a Mr. Wolfson, and you had received a phone call from another attorney representing some Members of Congress who indicated that, indicated that their clients might be willing to help out your client and in your testimony before the committee you understood that language to be a quid pro quo, in your opinion. And the question that I would have for you, in your approach to Mr. Colson, can't the same language essentially be construed as a quid pro quo that you were seeking?

Mr. BITTMAN. No, because I was unaware of any quid pro quo.

Mr. COHEN. You were not aware of any?

Mr. BITTMAN. No, sir. Tomorrow I would go back to Mr. Colson and do the same thing that I did then.

Mr. COHEN. Prior to your client even being sentenced?

Mr. BITTMAN. No, I am saying—I mean I would have that kind of a conversation on behalf of Mr. Hunt.

Mr. COHEN. But your client hadn't even been sentenced at that point?

Mr. BITTMAN. That's correct.

Mr. COHEN. One other question. Did Mr. McCord's letter of March 26 have any impact upon your client?

The letter that was addressed to the court? Did this change his testimony in any way before the grand jury proceedings?

Mr. BITTMAN. No, I am not aware of any change that that could have created in his testimony.

Mr. COHEN. Thank you.

Mr. LOTT. I yield the balance of my time.

Mr. DONOHUE. Mr. Drinan.

Mr. DRINAN. Thank you, Mr. Chairman. Mr. Bittman, you indicated that you met Mr. Parkinson in October or November of 1972. Do you recall if those meetings were before the national election?

Mr. BITTMAN. No, sir.

Mr. DRINAN. You met him for luncheon at the Mayflower on a Sunday. Do you recall that you talked about the election? Was it before or after?

It seems to me that one could recall such an event.

Mr. BITTMAN. Congressman, I honestly do not recall whether it was before or after the election.

Mr. DRINAN. Did Mr. Hunt ask you to go and see Mr. Parkinson on one or both occasions?

Mr. BITTMAN. No, sir.

Mr. DRINAN. Why did you go?

Mr. BITTMAN. Because I had these conversations about commitments and I thought I should find out for myself whether or not he had, in fact, been given commitments.

Mr. DRINAN. Did you report the results to Mr. Hunt?

Mr. BITTMAN. Yes, sir.

Mr. DRINAN. With respect to commitments, Mr. LaRue said yesterday or the day before that he made the payments "to conceal the fact that the break-in was an operation of the CRP." Did you feel at some time that the commitments to your client could have been for that purpose?

Mr. BITTMAN. No, sir.

Mr. DRINAN. When you had lunch with Mr. Kenneth Parkinson, was that before or after he asked you to contact the Banking and Currency Committee?

Mr. BITTMAN. I think—oh boy. It was all about the same period of time, and I would just be guessing, Congressman, if I attempt to answer that question.

Mr. DRINAN. Why did you have lunch with him on a Sunday? That's most unusual.

Mr. BITTMAN. I seem to recall a letter that he also sent to me and the date September 30 just pops into my mind, and it all relates to inter-

viewing members of the Banking and Currency Committee but I can't do any more with it.

Mr. DRINAN. Was the only purpose of your having lunch with him at the Mayflower on Sunday, an unusual time, to try to find out about the commitments?

Mr. BITTMAN. Yes, sir.

Mr. DRINAN. What did you find out?

Mr. BITTMAN. I found out that Mr. Parkinson said that commitments had, in fact, been made to Mr. Hunt.

Mr. DRINAN. Mr. LaRue told us "If these commitments were not kept the defendants might have made statements that would involve CRP." Did you get that impression at any time from Mr. Hunt?

Mr. BITTMAN. Never at any time.

Mr. DRINAN. With regard to the plausibility of the demand for money for living expenses, Mr. Hunt had a CIA pension that must have been at least \$12,000 to \$15,000 a year after 21 years. There were other assets, perhaps a house. How much total did he get from the insurance company after he had paid his legal fees?

Mr. BITTMAN. Well, it would be \$250,000, less taxes, less either \$100,000 or \$110,000 that he paid in legal fees.

Mr. DRINAN. Mr. Hunt could have paid all of his legal fees himself could he not? Why was it necessary—

Mr. BITTMAN. I wouldn't say that he could have until after his wife was killed.

Mr. DRINAN. What was the point therefore, of the commitments?

Mr. BITTMAN. The commitments—

Mr. DRINAN. He had sufficient funds to take care of his children for 2 years, he had sufficient funds after the insurance to pay his legal expenses.

Mr. BITTMAN. In my opinion, if his wife had not been killed he would not have had sufficient funds and these commitments were made to Mr. Hunt before I even began representing him.

Mr. DRINAN. You went and had lunch to make certain that the commitments were made or were followed. Do you think that the fact that they kept saying these are for living expenses and for legal fees, is that plausible?

Mr. BITTMAN. It was plausible to me.

Mr. DRINAN. Thank you. I yield back the balance of my time.

Mr. DONOHUE. Mr. Froehlich.

Mr. FROEHLICH. No questions.

Mr. DONOHUE. Mr. Rangel.

Mr. RANGEL. Thank you, Mr. Chairman.

Mr. Bittman, in reviewing your activities, that is receiving these telephone calls and envelopes and giving it to Mr. Hunt, is it your present belief that you could have possibly unwittingly been used in a conspiracy to obstruct justice?

Mr. BITTMAN. There is no doubt in my mind, Congressman, that I was used. No doubt about it. I am sure they used Dorothy Hunt before she was killed and they used me after she was killed. And I might say very unwittingly.

Mr. RANGEL. And when you say they, who are you referring to?

Mr. BITTMAN. To whoever made all of these arrangements to pay these funds for whatever purpose they might have had.

Mr. RANGEL. And you were under the impression that Mr. Hunt had worked for Mr. Liddy?

Mr. BITTMAN. Yes, sir.

Mr. RANGEL. And you also knew that Mr. Hunt had an office in the White House?

Mr. BITTMAN. Yes, sir, in the EOB, S-338.

Mr. RANGEL. And he had a safe there which he used for his personal things?

Mr. BITTMAN. Yes, sir.

Mr. RANGEL. And you were thinking that these moneys that were coming in were coming in from a defense fund that Republicans, prominent Republicans, were behind, is that correct?

Mr. BITTMAN. Exactly, and I so reported to six of my partners on July 7, 1972.

Mr. RANGEL. And you thought because, you thought it would have some effect on the re-election of the President of the United States? Is that correct? I mean you—it never entered your mind that the Democrats were doing this, did it?

Mr. BITTMAN. No.

Mr. RANGEL. And so, obviously, the re-election of the President, President Nixon, made you think of prominent Republicans?

Mr. BITTMAN. Yes, sir. Yes, sir. It was probably the main campaign issue at the time.

Mr. RANGEL. Right. Now, did you ever discuss this defense fund with any prominent Republicans?

Mr. BITTMAN. No, sir.

Mr. RANGEL. And you weren't too concerned really as to who they were. Mr. Bittman, if you wanted to find out, you never made any inquiries as to who Mr. Rivers was?

Mr. BITTMAN. No, sir. I was well aware of the existence of a defense fund in other prominent cases during this period of time.

Mr. RANGEL. And you knew that Mrs. Hunt was dealing with Mr. Rivers, but you never made any inquiry from her as to who this Mr. Rivers was?

Mr. BITTMAN. I don't think she knew any more than I did.

Mr. RANGEL. And it would not really upset you too much if your client was talking with Mr. O'Brien, and he is about to go to jail, and he is nervous, he is upset and he wants money, he is concerned with the sentence and if he wants to have a conversation with Mr. O'Brien to say I want some action now, or I will have to review my options, that is consistent with his demeanor when you left him. Is that correct?

Mr. BITTMAN. No; it wasn't.

Mr. RANGEL. Or when he left you?

Mr. BITTMAN. No.

Mr. RANGEL. Was he upset?

Mr. BITTMAN. He was distraught and upset, but there was no discussion about seamy things at the White House or reviewing options. That was thrown in there and, therefore, I have to—

Mr. RANGEL. I know, but he was upset and concerned about going to jail, right?

Mr. BITTMAN. Yes; he was, and leaving his family.

Mr. RANGEL. And you felt Mr. O'Brien was someone who was involved with the commitments, at least he could relate this concern about this commitment, right?

Mr. BITTMAN. Yes.

Mr. RANGEL. So, it would be normal for him to put some pressure on Mr. O'Brien; is that correct? If he thought he had something to put pressure on him with?

Mr. BITTMAN. I was unaware of any pressure that was being applied by anybody.

Mr. RANGEL. I know, because you weren't in the room.

Mr. BITTMAN. Well——

Mr. RANGEL. Let me ask you this——

Mr. BITTMAN. I wasn't aware before we had the conversation or afterward.

Mr. RANGEL. Of these prominent Republicans, you were aware that Mr. Liddy had worked in the White House?

Mr. BITTMAN. At some point.

Mr. RANGEL. At some point, and there did come a time when you spoke with Mr. Colson on two occasions and one of those occasions, one of those occasions was in the White House; is that correct?

Mr. BITTMAN. In his office in the EOB.

Mr. RANGEL. And then there was another occasion where Mr. Colson referred you to Mr. Dean, and you refused to follow up on that because you thought that Mr. Dean was involved in the break-in?

Mr. BITTMAN. Well, he suggested, he said if you want to learn about the break-in of the safe, why don't you talk to Dean. That's what happened.

Mr. RANGEL. So you wouldn't follow through with that?

Mr. BITTMAN. I said "No, I didn't want to talk to Dean."

Mr. RANGEL. So, there was a sense in your mind that an operative, your client, Mr. Hunt, who had this White House office and White House staff, and a close relationship with Mr. Colson, you didn't reject the idea that he could have been an operative for the White House; did you?

Mr. BITTMAN. Who was an operative for the White House?

Mr. RANGEL. Mr. Hunt. He had an office in the White House, and a safe in the White House.

Mr. BITTMAN. He always told me he was employed by the White House.

Mr. RANGEL. I see, and did it ever occur to you that the people that set up this defense fund were White House people?

Mr. BITTMAN. No, sir.

Mr. RANGEL. The only problems——

Mr. BITTMAN. Let me rephrase that. Certainly, it occurred to me, and I had discussions about it and they were rejected because it was inconceivable to me, knowing what a hot political it was, that the White House would dare pay \$1 to assist any of these seven defendants.

Mr. RANGEL. I see.

Mr. BITTMAN. So it did occur to me and I rejected it.

Mr. RANGEL. OK. You rejected it based on the only Republican that you dealt with, which was Mr. Colson? You were referred from the White House Special Counsel to the President, Mr. Dean, Counsel to the President, and your client has a White House office with a White House staff and you were referred to Dean who was——

Mr. McCLORY. Mr. Chairman?

Mr. RANGEL. Let me ask you this. You cannot dispel the thought—

Mr. McCLORY. You said he dealt with Mr. Dean, and he has stated specifically he did not deal with Mr. Dean.

Mr. RANGEL. I withdraw that. But, you did deal with Mr. Colson?

Mr. BITTMAN. I—

Mr. DONOHUE. I might suggest that the time of the gentleman from New York has expired. But, we will permit the witness to answer the last question.

Mr. BITTMAN. Mr. Chairman, I can't answer that question.

Mr. RANGEL. The last question was you cannot dispel the thought that the White House was aware of the commitment as well as the fund?

Mr. BITTMAN. I have absolutely no knowledge that the White House was aware of it or had any involvement with the fund.

Mr. RANGEL. You can't dispel that thought, can you?

Mr. BITTMAN. I can't dispel that—

Mr. DONOHUE. The Chair will now recognize Ms. Jordan.

Ms. JORDAN. Mr. Bittman, you, in response to a question propounded to you, do you have reason to believe that your client, Mr. Hunt, failed to testify fully and accurately before the grand jury, you said yes. You then stated that your client testified fully and accurately to all questions asked.

Mr. Bittman, do you intend to leave the inference with this committee that your former client, Mr. Hunt, has information which would be material and relevant and perhaps should be known by the grand jury, but did not give that information to the grand jury because he wasn't asked?

Mr. BITTMAN. No; that is not correct at all. I think that every ounce of information that Mr. Hunt ever had in his life has been pulled from him. I just don't like the way the state of the record is. This is one of the problems that a lawyer has when he is called to testify before a committee and asked about his client's grand jury testimony. This is a very difficult situation.

What I am trying to say is that eventually, with full knowledge of the prosecutors, Mr. Hunt, to my knowledge, testified fully and completely. In the early stages of the grand jury investigation, because of his unusual background as a covert operator, there were certain areas that he did not want to get into and did not testify fully about. But I don't want to go on record here as saying that my client went before the grand jury and perjured himself knowingly and willfully and what have you. I don't know what the state of the record is, but good God, I hope that is clear.

Ms. JORDAN. But you were always available to be counseled—to counsel Mr. Hunt when he appeared before a grand jury and if he became reluctant in answering any questions, would he not leave the room and consult with you and then return and answer the question fully and accurately?

Mr. BITTMAN. Well, I don't know what his eventual answer was. I appeared with him in connection with eight grand jury appearances. From time to time, he would come out and consult with me, and I am sure when it was all over with, that the prosecutors were satisfied with his testimony and indicated to me that they would recommend to

Judge Sirica that he had cooperated. This was one of the major contentions, because Judge Sirica had said that unless he cooperates with the Senate, unless he cooperates with the grand jury, he is going to receive a substantial sentence, in essence.

Obviously, it was very important for me to have constant dialog with the prosecutors and convince them that Mr. Hunt was being cooperative completely and candidly, completely, so that they would be in a position to so recommend to Judge Sirica.

Ms. JORDAN. No further questions, Mr. Chairman.

The CHAIRMAN. Mr. Moorhead.

Mr. MOORHEAD. Do you know how Mr. Hunt handled the funds that he received from Mr. O'Brien through your office?

Mr. BITTMAN. I am not aware of any funds that he received from Mr. O'Brien.

Mr. MOORHEAD. That he received as a result of Mr. O'Brien's visit?

Mr. BITTMAN. No, sir, I do not know what, if anything, he did with that money.

Mr. MOORHEAD. You don't have any idea whether he used it for living expenses, bank account, or anything else?

Mr. BITTMAN. I do not know.

Mr. MOORHEAD. Was that the only money he got after his wife died? She had handled the funds before then, I understand.

Mr. BITTMAN. No; I believe there were one or two other envelopes that were turned over to me after his wife died.

Mr. MOORHEAD. Do you know who handled those funds?

Mr. BITTMAN. No, sir.

Mr. MOORHEAD. Did you do any management of work for him between March 16 and early April when you received your payment from him?

Mr. BITTMAN. I did a tremendous amount of work for him during that period of time, because that commenced his grand jury appearances, the immunity, and also some interest expressed by the Senate.

Mr. MOORHEAD. Now, do you know whether the money that he received as a result of his wife's death had been dissipated by that time or were there funds still remaining?

Mr. BITTMAN. I don't know. I don't believe it was dissipated, but I have no knowledge. Mr. Hunt did not bring me into his confidence with respect to what he was doing with his funds.

Mr. MOORHEAD. And at the present time, he owes you \$50,000, approximately?

Mr. BITTMAN. No, sir, he——

Mr. MOORHEAD. The firm?

Mr. BITTMAN. There are \$50,000 of unpaid legal fees, but Mr. Hunt doesn't owe us anything. I told him that we would not collect on those funds because of the fact that he had to get a new attorney, and he did indicate a new attorney in very complicated civil and criminal proceedings, and we did not feel justified to send him any additional statement for services rendered.

Mr. MOORHEAD. So you are even right now?

Mr. BITTMAN. Yes, sir.

Mr. McCLORY. Would the gentleman yield to me?

Mr. MOORHEAD. Yes.

Mr. McCLODY. Mr. Bittman, I just want to be sure that your testimony is clear and that there are no inaccuracies or any even apparent inaccuracies that appear in the record. I think that perhaps in connection with questions asked you by the gentleman from New York, Mr. Rangel, there may be some misunderstanding.

It is my understanding from your testimony that insofar as you are concerned, you did not have any contact with the White House with respect to the payment of any moneys to you or no one told you that moneys were being paid from any source in the White House? Is that correct?

Mr. BITTMAN. That is absolutely correct, Congressman.

Mr. McCLODY. And further with respect to the subjects that were not disclosed to the grand jury in the first instance, is it not a fact that Mr. Hunt not only worked for the CIA, but he worked for Mullen & Co.?

Mr. BITTMAN. Yes, sir.

Mr. McCLODY. Which in turn had contracts with the CIA, as I understand it, to do certain intelligence-type work, and that he was engaged by Mullen & Co. at the same time he was employed in the White House?

Mr. BITTMAN. That is correct. The principal focus on items that Mr. Hunt did not want to testify about initially were non-Watergate-type items.

Mr. McCLODY. And these were—

Mr. BITTMAN. They were principally in that category.

Mr. McCLODY. These were the sort of supersecret things that he was doing as an intelligence operator?

Mr. BITTMAN. He was involved with the intelligence narcotic traffic, things like that.

Mr. McCLODY. Yes.

Mr. BITTMAN. I had a specific discussion with the prosecutors that if they asked questions in that area, Mr. Hunt wouldn't testify, did not want to testify. This is what I was—I hope I didn't create a misapprehension.

Mr. McCLODY. He was not concealing anything as far as Watergate-related incidents were concerned, is that correct?

Do you know?

Mr. BITTMAN. Well, with respect to the hearsay information that he had about the involvement of others, that was testified to at a later date, but not initially.

Mr. McCLODY. I thank the gentleman for yielding.

The CHAIRMAN. Mr. Thorton?

Mr. THORTON. Thank you, Mr. Chairman. I would like to ask one question pursuing those just mentioned by the gentleman from Illinois.

You did testify earlier, I believe, that one of the things which Mr. Hunt had some reluctance initially in testifying to was the Ellsberg matter.

Mr. BITTMAN. Yes, sir.

Mr. THORNTON. I have no further questions. I yield to the gentleman from California.

Mr. WALDIE. Mr. Bittman, may I just ask this?



In your response to Mr. Rangel and your response to Mr. McClory, and in your response to me, it is your understanding that at no time were you dealing with the Committee for the Re-Election of the President or the White House in any of your dealings involving Hunt, is that correct?

Mr. BITTMAN. No, that is not correct. I had extensive dealings with the CRP in connection with the civil cases. I mean almost on a daily basis.

Mr. WALDIE. Well, in terms of making arrangements to receive money, it is your understanding when you dealt with Parkinson or O'Brien—

Mr. BITTMAN. It was in a different capacity.

Mr. WALDIE. They were not working for the CRP?

Mr. BITTMAN. Yes, sir, that is correct.

Mr. WALDIE. They were working as conduits for this mystical Republican fund, or mythical Republican fund?

Mr. BITTMAN. Well, it turned out that way.

Mr. WALDIE. Yes; but you never at any time dealt with attorneys for that fund other than attorneys that you knew were employed at the time by the Committee for the Re-Election of the President?

Mr. BITTMAN. That is correct.

Mr. WALDIE. But you made a very clear distinction in your mind that when they were dealing with you on that subject, they were not dealing with you as attorneys for the Committee To Re-Elect the President?

Mr. BITTMAN. That is correct.

Mr. WALDIE. Was it your understanding that in fact, they did not share that information with their superiors on the Committee To Re-Elect the President?

Mr. BITTMAN. I don't know if I ever thought about it. As I said before, Congressman Waldie, it was inconceivable to me that one nickel would come from the CRP because of the reporting requirements. That may have been hypernaivete on my part, but that is what I felt.

Mr. WALDIE. Well, perhaps. Did you include Mr. Mardian in that blanket of supernaivete?

Mr. BITTMAN. No, sir, because I only had the one conversation with Mr. Mardian.

Mr. WALDIE. What did you think Mr. Mardian was representing at the time of that conversation, just CRP?

Mr. BITTMAN. Yes, sir.

Mr. WALDIE. You did not discuss anything about Mr. Hunt with Mr. Mardian?

Mr. BITTMAN. Well, I did discuss Mr. Hunt with Mr. Mardian, but he was general counsel to the CRP and I testified this morning about the break-in of the safe, the status of the civil suit, things of that nature. So I did discuss Mr. Hunt with Mr. Mardian.

Mr. WALDIE. But not the commitments?

Mr. BITTMAN. No, there was no discussion of commitments at that July 6, 1972, meeting.

Mr. WALDIE. Then just one last question. You finally determined that these gentlemen in fact were not—by the way, did these gentle-

men ever represent to you when they were dealing with you in this capacity that they were not representing CRP but were representing a defense fund?

Mr. BITTMAN. I gather by "the gentlemen" you mean Mr. Parkinson and Mr. O'Brien?

Mr. WALDIE. Yes.

Mr. BITTMAN. No, sir.

Mr. WALDIE. So they didn't mislead you at all?

Mr. BITTMAN. Well, as I said, I had my own conclusion as to where this money was coming from. It turned out to be erroneous.

Mr. WALDIE. What was that based on?

Mr. BITTMAN. Well, I can go through the factors. I went through the factors before, the fact that F. Lee Bailey's firm was involved, Henry Rothblatt was involved, conversations with my client.

Mr. WALDIE. I understand all that.

Mr. BITTMAN. The publicity, the civil suit. There were a number of factors.

Mr. WALDIE. But didn't you think it inconsistent that attorneys for the Committee for the Re-Election of the President would be representing this group of individuals and never mention it to you?

Mr. BITTMAN. No, sir, not after Mr. Parkinson called me on the evening of July 6.

Mr. WALDIE. And you never asked them if in fact, when they were dealing in that capacity, they were representing the fund rather than the Committee for the Re-Election of the President?

Mr. BITTMAN. As I said, perhaps I was a very naive lawyer, but it was—maybe because of what has happened in the past, maybe I should have been aware that certain campaign funds violate the law. But I am not aware of any criminal cast attacking a Democratic or Republican fund for failing to report accurately up to that time.

Mr. WALDIE. You said you were also aware of other funds in existence, defense funds at another time?

Mr. BITTMAN. Defense funds, yes, sir.

Mr. WALDIE. Name one that was operated as this mythical Republican defense fund was.

Mr. BITTMAN. Berrigan's.

Mr. WALDIE. The Berrigan's was operated secretly and payments made the way these payments were made?

Mr. BITTMAN. I can name three or four funds, Mr. Waldie. I don't have any idea how they were run. I have never been involved in a defense fund in any way in my life.

Mr. WALDIE. Why did you think this was—were you told that this was a defense fund? Did anybody tell you that in the world?

Mr. BITTMAN. Other than my client, Howard Hunt, the answer to that is "No," but I have had many discussions with partners of mine that I think agreed with my position at the time.

Mr. WALDIE. I have no further questions.

Mr. BITTMAN. Like I said, this was discussed freely within the firm as to the source of the money back on July 6 after I began representing Mr. Hunt. Perhaps if a lot of people had told me at that time that I am dead wrong, perhaps it would have been in my best interest.

The CHAIRMAN. Mr. Maraziti?

Mr. MARAZITI. I have no questions, Mr. Chairman.

The CHAIRMAN. Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

You stated, Mr. Bittman, that on the 16th or the 19th, whenever Mr. Hunt came to your office and subsequently had a conversation with Mr. O'Brien, that he was very distraught about the matter of commitments. Isn't that correct?

Mr. BITTMAN. No; he was distraught principally about going to jail and this was on the 16th, not the 19th.

Ms. HOLTZMAN. Was he distraught about the need for money and commitments?

Mr. BITTMAN. Yes, he was, because he knew he was going to go to jail. He didn't know for how long.

Ms. HOLTZMAN. Why don't you just answer my question?

Mr. BITTMAN. I am trying to.

Ms. HOLTZMAN. The question is was he distraught about the question of money and commitments on the 16th or 19th when he came to your office?

Mr. BITTMAN. Among other things.

Ms. HOLTZMAN. You met with him, at least your records reflect, then, on the 22d of March, is that correct?

Mr. BITTMAN. I don't recall testifying that my records reflect that it may have been on the 22d, but I probably did.

Oh, excuse me, I was thinking of preparing a statement for Judge Sirica.

Ms. HOLTZMAN. Then you met with him on the 22d of March, is that correct?

Mr. BITTMAN. I met with him about 8:30 a.m. on the 22d.

Ms. HOLTZMAN. Was he distraught about money at that time or commitments?

Mr. BITTMAN. I don't know. I only saw him about 15 seconds.

Ms. HOLTZMAN. Did he express any concern about commitments?

Mr. BITTMAN. During that 15-second conversation?

Ms. HOLTZMAN. That is right.

Mr. BITTMAN. No.

Ms. HOLTZMAN. Did he subsequently, after the 22d of March, talk to you about his need for commitments? Did he reflect any distress about that subject?

Mr. BITTMAN. Yes, I had subsequent conversations with him.

Ms. HOLTZMAN. When was that?

Mr. BITTMAN. Well, I mean I have indicated that after that, in early April, he paid my firm \$60,000. I certainly had a discussion with him about that.

Ms. HOLTZMAN. Was he distressed at that point about failure to meet commitments and the need for money when he paid you that money in April?

Mr. BITTMAN. Yes.

Ms. HOLTZMAN. He was? What did he say to you about his distress?

Mr. BITTMAN. Let's just say that I had conversations with Mr. Hunt about—many conversations about commitments and legal fees that he paid.

Ms. HOLTZMAN. No, Mr. Bittman, that wasn't my question. My

question was after the 22d of March, was Mr. Hunt distressed about commitments and the payment of legal fees and did he express that to you?

Mr. BITTMAN. The answer is yes.

Ms. HOLTZMAN. And the date of that?

Mr. BITTMAN. I don't recall.

Ms. HOLTZMAN. Do you have any specific recollection that he expressed to you a similar kind of distress that he had on the 16th or 19th of March thereafter?

Mr. BITTMAN. I would say it was similar. I met with him every day. I was in jail with him every day.

Ms. HOLTZMAN. My question isn't what you would say. My question is do you have a specific recollection with respect to that?

Mr. BITTMAN. I had—yes, I do.

Ms. HOLTZMAN. Now, Mr. Bittman, you testified previously that one of the reasons that you did not think that there was a White House or CRP involvement in the funds, that they were involved as a source of the funds, was because they had issued press releases denying their involvement in the Watergate break-in. Is that correct?

Mr. BITTMAN. That was one of the reasons I mentioned.

Ms. HOLTZMAN. Didn't you subsequently—

Mr. BITTMAN. But that was not the principal one.

Ms. HOLTZMAN. But it was a reason?

Mr. BITTMAN. Yes.

Ms. HOLTZMAN. Didn't you subsequently become aware of the fact that there was White House and/or CRP involvement in the break-in?

Mr. BITTMAN. Much later. I mean the earliest I would have—

Mr. DENNIS. Mr. Chairman, I don't get this. That is what we are trying to find out, whether it is White House involvement.

Ms. HOLTZMAN. I am talking about the witness' state of mind and that is what I am going into with respect to what he thought these funds were for. I think the question is perfectly proper.

When did you first become aware of that, Mr. Bittman?

Mr. BITTMAN. Of what? Of others being involved?

Ms. HOLTZMAN. Higher ups, yes.

Mr. BITTMAN. I would say probably October, November.

Ms. HOLTZMAN. Did that make you—

Mr. BITTMAN. But as I testified earlier, Mr. Hunt had no personal knowledge at all. To this day, he has no personal knowledge of the involvement of anyone else.

Ms. HOLTZMAN. I didn't ask you about Mr. Hunt. I asked you what your awareness was.

Mr. BITTMAN. Any awareness I have is coming from Mr. Hunt. I don't have any awareness from anyone else.

Ms. HOLTZMAN. I understand. Whatever your source of awareness was, did that make you rethink the possibility that these funds that Mr. Hunt was receiving and that were being delivered through you could have come from the White House or from CRP?

Mr. BITTMAN. No.

Ms. HOLTZMAN. It didn't make you rethink that?

Mr. BITTMAN. No.

Ms. HOLTZMAN. I believe you testified in response to—

The CHAIRMAN. The time of the gentle lady has expired.

Ms. HOLTZMAN. Mr. Chairman, I was interrupted and I would like to just finish the question, please.

Mr. FROELICH. Regular order.

The CHAIRMAN. Mr.——

Ms. HOLTZMAN. Mr. Chairman, the witness was arguing with me and I wanted to get my question finished.

The CHAIRMAN. Well, that happens all the time.

Mr. Latta?

Mr. LATTA. I will yield to the lady so she can have her question.

Ms. HOLTZMAN. I very much appreciate Mr. Latta yielding to me.

Mr. Bittman, in response to Mr. McClory, I believe you stated that Mr. Hunt was reluctant to testify initially about the hearsay matters he had regarding the Watergate break-in. Is that correct?

Mr. BITTMAN. That is correct.

Ms. HOLTZMAN. Did you communicate his reluctance initially to the prosecutors with respect to that area of testimony?

Mr. BITTMAN. Yes.

Ms. HOLTZMAN. Thank you.

I yield back to Mr. Latta.

Mr. BITTMAN. And if you interpreted any of my comments as arguing with you, I apologize. I did not intend to do so.

Mr. LATTA. Mr. Chairman——

The CHAIRMAN. Mr. Latta.

Mr. LATTA. Mr. Bittman, I didn't intend to ask any questions. I think you pretty thoroughly covered this this afternoon and this morning. But you did raise one question that I want to nail down specifically, because I know how some of these things get out in the papers.

You mentioned commutation in a matter dealing with Mr. Colson where he had written a letter. I want to ask you whether or not that would imply any commutation promises by the President of the United States?

Mr. BITTMAN. Absolutely not. The letter of December 31 was written by Mr. Hunt, not by me.

Mr. LATTA. Mr. Hunt wrote the letter that you passed on?

Mr. BITTMAN. No, Mr. Hunt wrote a letter to Mr. Colson when I was out of town asking Mr. Colson to see me. I then received a telephone call on January 3, 1973, indicating that Mr. Colson would see me.

Mr. LATTA. At no time did you have any conversation with Mr. Hunt or Mr. Colson where a promise or expectation of commutation from the President of the United States was discussed?

Mr. BITTMAN. Certainly not with Mr. Colson.

Mr. LATTA. How about Mr. Hunt?

Mr. BITTMAN. That a promise of executive clemency had been made? No, sir.

Mr. LATTA. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Owens?

Mr. OWENS. Mr. Bittman, you have testified that the \$60,000 paid in attorney's fees in early April did not come from the \$75,000 which you have, I think, acknowledged was paid through you to Mr. Hunt, either on the 20th or the 21st. Is that a fair summary of your testimony?

Mr. BITTMAN. Yes, sir.

Mr. OWENS. Could you state how you know of your own knowledge that the \$60,000 which came to you did not come from those sources?

Mr. BITTMAN. Yes, sir. We were the ones that arranged the savings account set up at Riggs Bank in which the bonding company was a joint signator on it. So we had personal knowledge that the \$100,000 came directly from the insurance policies, because we arranged it. We made all the arrangements. We had the insurance policies, we received the checks, we deposited the checks at Riggs in a savings account and made the arrangements with the bonding companies.

Mr. OWENS. You controlled, in essence, the account?

Mr. BITTMAN. Yes, we controlled it.

Mr. OWENS. Though it was in the name of Mr. Hunt?

Mr. BITTMAN. Mr. Hunt and the bonding company jointly and that savings account was put up as collateral for Mr. Hunt's release on bond. There was a \$10,000 check I received from Mr. Hunt to hold in the event there was a family emergency, for me to hold—

Mr. OWENS. I understood the \$10,000 statement you made earlier. Would it have been possible for Mr. Hunt to deposit the sum of that \$75,000 in that account?

Mr. BITTMAN. No, sir.

Mr. OWENS. Did he have the power to do it?

Mr. BITTMAN. I am sure he would have the power, but he didn't do it. There was only \$100,000 in the account.

Mr. OWENS. You know of your own first-hand knowledge that there were no additional funds deposited?

Mr. BITTMAN. Yes, sir; I have seen the savings account booklet.

Mr. OWENS. If Mr. Hunt had testified to the grand jury that he had paid that \$60,000 to you out of the \$75,000 he had received through you, would that—that would then be contrary to your understanding?

Mr. BITTMAN. It would be contrary and it would be a mistake and I am sure he would be the first to recognize it.

Mr. OWENS. I would refer members of the committee to book III, part 2, item 71.6, where before the grand jury, Mr. Hunt testified in response to the question, "What did you do with the \$75,000?" Mr. Hunt replied: "I had the checks issued in the amount of \$60,000 to Mr. Bittman and I placed the rest of the money, made it available to the household for the household expenditure."

Were you aware that Mr. Hunt had so testified?

Mr. BITTMAN. In the many times that I have testified with Mr. Hunt, he makes mistakes, because he has testified probably for a thousand hours. That is a mistake, pure and simple.

Mr. OWENS. Were you aware that he had made that statement to the grand jury?

Mr. BITTMAN. No, sir. I have never seen any of Mr. Hunt's grand jury testimony.

Mr. OWENS. I was fascinated earlier about your statement that Mr. Cox—referring, I suppose, to the special prosecutor—

Mr. BITTMAN. Yes, sir.

Mr. OWENS. Former Special Prosecutor once removed—that he suggested that you step down from representation of Mr. Hunt before the Watergate grand juries because of a possible conflict of interest?

Mr. BITTMAN. Because of the appearance of a possible conflict of interest.

Mr. OWENS. Based upon a dominant——

Mr. BITTMAN. No, because of the appearance of a possible conflict of interest. Those were the words of Mr. Cox.

Mr. OWENS. But you stated something about a concern that you might appear to have a dominant influence over Mr. Hunt?

Mr. BITTMAN. Yes, I think that was one of his concerns.

Mr. OWENS. Was that based upon the fact that you had extracted \$156,000 in attorney's fees over that brief period of time?

Mr. BITTMAN. It had nothing to do with it.

Mr. OWENS. What was it based upon, to your knowledge?

Mr. BITTMAN. It was based upon the fact that Mr. Hunt might be called upon to testify to certain occasions and he felt it would appear to be better that Mr. Hunt would be represented by separate counsel in connection with those conversations so people could not say that he is tailoring his testimony to my testimony because I am advising him——

Mr. OWENS. All right. As you know, we have very little time. Could you elaborate on what conversations were of special concern on this matter?

Mr. BITTMAN. I can't recall of any. In fact, it turned out that I am unaware of any conflict at all. I think Mr. Cox today would be the first to admit it.

Mr. OWENS. You have no idea what conversations Mr. Cox was referring to?

Mr. BITTMAN. I don't recall any right now. But none did exist. It was the appearance of it.

Mr. OWENS. What was the reason that the initial payment of \$25,000 which you received in cash from the top of the phone book downstairs in the lobby was put into trust initially?

The CHAIRMAN. The time of the gentleman has expired, but the witness may answer the question.

Mr. BITTMAN. That was a suggestion made by one of the members of the executive committee.

Mr. OWENS. Is there a reason?

The CHAIRMAN. The time of the gentleman has expired.

Mr. Mezvinsky?

Mr. MEZVINSKY. Thank you, Mr. Chairman.

Mr. Bittman, I am interested in this escrow account. We have the firm of which you were a partner depositing \$156,000 into an escrow account. As I gather, it is the after effect—it is the after-fact feeling that possibly, this money could be tainted, or there is something wrong with this money that they have to put it into an escrow account of \$156,000?

Mr. BITTMAN. As I indicated earlier, there was concern about the source, sources of the initial \$46,000 that was received in cash.

Mr. MEZVINSKY. But this is \$156,000.

Mr. BITTMAN. I am aware of that. And there was a partnership meeting discussing this. And the final conclusion by the partnership was, well, rather than just put in \$46,000 let's escrow the entire \$156,000. And a vote was taken and it was done.

Mr. MEZVINSKY. So what is the status of the money, then? It stays in escrow until when?

Mr. BITTMAN. Until the partnership votes to release it.

Mr. MEZVINSKY. And the general reason for putting it in escrow is because of the questionable sources of the funds?

Mr. BITTMAN. Right, and I think they felt that, during the period of time of the Senate Watergate testimony, would be that if any questions were asked about any portion of the fee that we received, that it might be questionable, that the firm's position is, well, they will put it in escrow.

Mr. MEZVINSKY. Now, why did you leave the firm or why did you resign, Mr. Bittman?

Mr. BITTMAN. There are a number of different reasons why one lawyer leaves one firm and joins another.

Mr. MEZVINSKY. I have asked—

Mr. BITTMAN. Many of those are personal reasons and I don't think it is relevant to this inquiry.

Mr. MEZVINSKY. Do you have an arrangement, since part of those \$156,000 fees would be part of your partnership, was there some arrangement when they put it in escrow regarding any terms that you may have had?

Mr. BITTMAN. No, sir, that escrow which was set up in approximately August or September of last year has nothing whatsoever to do with my departure and I have the same interest in that escrow account based on my interest in the partnership at the time the funds were put in escrow.

Mr. MEZVINSKY. You mean you still have an interest in the escrow account?

Mr. BITTMAN. Oh, yes, because the funds were distributable income to the partners and I paid tax on it. I have already paid tax on my portion of that escrow fund. So has every other partner in the firm. So I still have a small interest in that, whatever my interest was at the time it was set up.

Mr. MEZVINSKY. So obviously, you and the firm believe that that \$156,000 was questionable as far as its legitimacy, is that correct?

Mr. BITTMAN. No, I don't think that is a fair statement. I think it was an ultra-conservative decision made by the firm because of publicity concerning \$46,000 which was paid to the firm in cash.

Mr. MEZVINSKY. Now, I have a point on the—you said you handled the estate of Mrs. Hunt.

Mr. BITTMAN. Yes, sir.

Mr. MEZVINSKY. You also indicated in response to a question regarding the advising of the questionable tax consequences of income replacement for Mrs. Hunt that you suggested that they see a tax counsel.

Mr. BITTMAN. Yes, sir, and I referred him to a tax counsel.

Mr. MEZVINSKY. Is that in your firm?

Mr. BITTMAN. No, sir.

Mr. MEZVINSKY. That is separate from it.

Now, Mr. Bittman, my last point is I was interested in the feeling that you said you were used, you have the feeling that you were used in this. You also testified in response to Mr. Doar's questions that



this was the first time that you have ever accepted money in the manner in which it was presented. I gather now in hindsight, you seem to question the use of being used this way. What motivated you, in view of your experience with representing Mr. Hoffa—prosecuting Mr. Hoffa and your long trial experience, what prompted you to think that by accepting the money in this way, nothing would come out and that in fact, you could continue with little questions being raised later? I am surprised that you find yourself in this situation.

Mr. BITTMAN. Well, let me try to answer that question in this way. As far as the envelopes that were delivered to my home for Mr. Hunt, I should have questioned it, and I didn't. I did not know there was cash in those envelopes. You have to put the thing in perspective.

I was working anywhere between 10 and 15 hours a day during the entire period of time. A telephone call comes in, will you deliver an envelope to Howard Hunt. I should have told them to go to hell. I didn't. In retrospect, I was wrong. I exercised bad judgment. I will be the first to admit it.

At the time, it did not seem to me to be a big thing. That is the reason I don't even recall the dates on which it happened. Had it been a big thing, there would have been a notation in my day book and I would have had specific references to it.

If somebody called me up today and said, would you deliver an envelope to a client under any unusual circumstances, obviously, I would refuse to do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEZVINSKY. I have no further questions. I would yield to Mr. Danielson.

The CHAIRMAN. No, the time of the gentleman has expired.

Mr. Donohue?

Mr. DONOHUE. I will yield at this time to the gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. I thank the gentleman for yielding.

I wanted to clear up my question about the possibility of you being an unindicted co-conspirator in the Watergate coverup. Did you say you were not such a person or you did not know that you were such a person?

Mr. BITTMAN. Congressman, I said I read in the paper that 19 people had been so named. But no one, and I emphasize no one, has ever formally contacted me and told me that I have been one of the 19, notwithstanding the press reports.

Mr. CONYERS. Right, and that is consistent with Federal procedure, that unindicted coconspirators are not normally informed? Is that right?

Mr. BITTMAN. No, I think it is absolutely inconsistent with Federal procedures. Normally, when people are named as unindicted coconspirators, No. 1, it is done for evidentiary purposes. No. 2, they are either named in the indictment itself or are named shortly thereafter in the defendant's motion for a bill of particulars.

Mr. CONYERS. But isn't it true that in some cases, they are cooperating and their names are not made public?

Mr. BITTMAN. No, that is not true, because whenever a conspiracy count is charged in which there are unindicted co-conspirators and

the person is not named to the grand jury, the defendant will file a motion for a bill of particulars asking the names at that time and the Government is required to name them.

Mr. CONYERS. I see.

So in your judgment, a person could not be an unindicted co-conspirator without knowing it?

Mr. BITTMAN. Well, without knowing that the prosecutor has so designated him. In 99 percent of the cases, that is a prosecutorial function that relates to the use of evidence. It is used for evidentiary purposes and I have a case right in my briefcase if you want me to cite it for you.

Mr. CONYERS. No, I just wanted to clear up your response to that and I think you have.

Thank you very much.

Mr. BITTMAN. When I say evidentiary purposes, I mean that any conversation that an unindicted coconspirator has is admissible against any defendant whether he knew about it or not, so the prosecutor is able to—

Mr. CONYERS. I yield to the gentleman from California, Mr. Danielson.

Mr. DANIELSON. I thank the gentleman for yielding.

Mr. BITTMAN, in response to a question from Mr. Rangel, you said in effect, "I felt that I was being used unwittingly in part of a conspiracy to obstruct justice."

Mr. BITTMAN. Yes, sir.

Not in a conspiracy—I am getting a little tired. Normally, these things don't get by me.

Not in a conspiracy to obstruct justice, but I was unwittingly used in having money delivered to me that I didn't know was money and giving it to my client.

Mr. DANIELSON. May I ask my question?

Mr. BITTMAN. Yes, sir.

Mr. DANIELSON. My earlier question was had you been asked to go to Wright Patman's committee members and, in effect, in substance state that the commenced hearings are going to jeopardize the civil rights of these people in the worst way?

Mr. BITTMAN. I recall that I was asked to do that.

Mr. DANIELSON. Mr. Parkinson asked you. You declined to do it?

Mr. BITTMAN. That is correct.

Mr. DANIELSON. Is that consistent with your statement that you might have been unwittingly used?

Mr. BITTMAN. No, at the time, I did not think Mr. Parkinson's request of me was improper. I felt very free to say no, I was not going to do it.

Mr. DANIELSON. In retrospect, is that consistent with your feeling of being used unwittingly?

Mr. BITTMAN. No, I mean there was a clear judgment on my part whether I wanted to do it or didn't want to do it. He didn't put any pressure on me and say, you have got to do this or help other people or suffer the consequences. It was a suggestion that he made, which I felt free to accept or reject and I rejected it.

Mr. DANIELSON. I see. Thank you very much.

Mr. BITTMAN. You are welcome.

Mr. DANIELSON. I yield back.

Mr. DONOHUE. Mr. Bittman, on March 16, Mr. Hunt was in your office?

Mr. BITTMAN. Yes, sir.

Mr. DONOHUE. And he spent probably a half hour or three-quarters of an hour with you?

Mr. BITTMAN. That is what my records reflect.

Mr. DONOHUE. And during that time, he discussed the matter of his being sent away in a few days. He was concerned about his family and what was going to or who was going to take care of them and how they were going to get along. And he was quite distraught and excited and concerned about that, wasn't he?

Mr. BITTMAN. Yes, he was.

Mr. DONOHUE. And as a result of that conversation and his apparent concern about it, he asked you to call O'Brien?

Mr. BITTMAN. That is correct.

Mr. DONOHUE. Now, how did he happen to come to your office that particular day? Had you called him and asked him to come?

Mr. BITTMAN. I really can't honestly answer that question, because I don't recall, because during that period of time, shortly before he was sentenced, we spent some time together to attempt to get his affairs together, problems with his children, that he asked me to handle some of these personal problems for him and also to prepare the statement for sentencing. It could have been one of several reasons, Congressman, why he came to my office. I don't recall specifically why he was in my office on that occasion.

Mr. DONOHUE. On the different occasions that he came to your office prior to the 16th and on the 16th, of course you mentioned about the balance that was due your firm for legal fees, didn't you?

Mr. BITTMAN. I did on occasion. I did not, certainly, on every occasion.

Mr. DONOHUE. Did you mention the balance due the firm for fees on the 16th?

Mr. BITTMAN. I very well could have, but I have no specific recollection.

Mr. DONOHUE. And as a result of that discussion about your fees and about his possibly being sent away for a little while and his concern about his family, he asked you to call O'Brien?

Mr. BITTMAN. Yes, sir.

Mr. DONOHUE. And did he give you any particular reason for calling O'Brien rather than anyone else?

Mr. BITTMAN. I don't believe he did.

Mr. DONOHUE. Well, you knew as a result of the different payments that had been made to you at your home that those payments did not come from O'Brien?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BITTMAN. I never thought they did.

The CHAIRMAN. Mr. Bittman, I have just a couple of questions.

Mr. Bittman, on your previous testimony, I believe you testified that on March 18, your desk diary contained no entry reflecting a meeting or conference with Mr. Hunt. Is that correct?

Mr. BITTMAN. It goes beyond that, Congressman. Also, there is absolutely no reference to any time spent on behalf of Howard Hunt.

The CHAIRMAN. Is there any reference to any entry regarding anyone else?

Mr. BITTMAN. Oh, yes.

The CHAIRMAN. On March 19?

Mr. BITTMAN. Oh, yes; the day is complete with clients. It must be an 8-, 10-, or 11-hour day. But there is no time for Howard Hunt on that date.

The CHAIRMAN. In other words, you say that your diary reflects entries for other clients on March 19?

Mr. BITTMAN. Yes, sir.

The CHAIRMAN. Are you sure of that?

Mr. BITTMAN. I am positive.

The CHAIRMAN. You are positive that your desk diary reflects entries of meetings with other clients on that date, on the 19th?

Mr. BITTMAN. I am positive. And it was a complete day.

The CHAIRMAN. Mr. Bittman, only because I would like to clear up in my mind the question of these legal fees, did you ever, in any way—and there is no suggestion that you did—did you ever pressure Mr. Hunt for your fees?

Mr. BITTMAN. No, sir. But I did inform him that we would look to him for payment of the legal fees, that we could not look to his commitments.

The CHAIRMAN. Well, did you pressure him in the sense that you understood that the word “pressure” is defined?

Mr. BITTMAN. No, sir.

The CHAIRMAN. Mr. Bittman, in the exhibit 1,<sup>1</sup> September 19—and I know that you testified that you received these and then you put them away. I am intrigued by the quote that, “I received a call from Mr. Rivers at noon on the above date and arranged to pick up what he ‘was able to scrape up on such notice.’”

And again that same phrase is used in the second paragraph.

Did you by any chance ask Mrs. Hunt who gave such notice?

Mr. BITTMAN. I did not have a conversation with Mrs. Hunt about this memorandum other than what I have testified to. I mean maybe perhaps I should have been more perceptive and asked her that kind of question. I think it would have been an excellent question. But I did not do so.

The CHAIRMAN. Well, thank you very much, Mr. Bittman.

Mr. BITTMAN. You are welcome, Mr. Chairman.

The CHAIRMAN. I am sure that you welcome the conclusion of this period.

The witness is excused.

[Material unrelated to testimony of witness deleted.]

The CHAIRMAN. Mr. Mitchell, will you please stand?

Mr. Mitchell, you have the right to remain silent and not provide any testimony or information which may tend to incriminate you. But if you do testify, anything you say here may be used against you in any other legal proceeding. You have the right to consult with an attorney prior to answering any question or questions. Counsel may accompany you for the purpose of advising you of your constitutional rights.

<sup>1</sup> See p. 17.

You have been provided, I understand, a copy of the rules of the House and the rules of the committee.

Mr. MITCHELL. I have, Mr. Chairman.

The CHAIRMAN. Will you kindly raise your right hand?

Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MITCHELL. I do, sir.

**TESTIMONY OF JOHN N. MITCHELL; ACCOMPANIED BY WILLIAM G. HUNDLEY AND PLATO CACHERIS, COUNSEL**

The CHAIRMAN. Kindly state your name.

Mr. MITCHELL. My name is John N. Mitchell.

The CHAIRMAN. Would you kindly identify your attorneys, please?

Mr. MITCHELL. The attorney on my left is Mr. William G. Hundley and Mr. Plato Cacheris is the gentleman in back of me.

The CHAIRMAN. I understand your attorney has a statement he would like to make?

Mr. MITCHELL. He does, Mr. Chairman, if this is the appropriate time.

The CHAIRMAN. Please proceed.

Mr. HUNDLEY. It is a very brief statement, Mr. Chairman.

I have asked for an opportunity to make a brief statement so that I can put on the record the reasons I feel so strongly that this committee, in compelling John N. Mitchell's appearance and testimony at this time, is jeopardizing his right to a fair trial. Mr. Mitchell is a defendant in the so-called Watergate trial scheduled to commence just 2 months from today. This committee, by use of its subpoena power, now proposes to interrogate Mr. Mitchell about some of the very same matters that are in issue in that case. This not only prejudices his trial because of the publicity that will emanate during the next few months as a result of his testifying here, but denies Mr. Mitchell his right as a defendant in a criminal case to remain silent about the Watergate criminal charges until and if the Government sustains its burden of proof in the district court.

If there was any one absolute right that I would have thought a defendant in a criminal case had, it was his right to stand mute and be completely free from governmental inquiry into those areas that a grand jury had charged him with and which he had to defend himself against in a court of law. And the taking or the not taking of the fifth amendment should not be the factor which determines whether Mr. Mitchell is compelled to appear and testify before this committee.

No one is compelled, in my judgment, to take the fifth amendment to insure his right to a fair trial. This was never the intent or purpose of this constitutional privilege.

It is my understanding that Mr. St. Clair requested the committee to call Mr. Mitchell to testify about his knowledge of the \$75,000 payment to E. Howard Hunt on March 21, 1973. It is further my understanding that the committee acceded to Mr. St. Clair's request for this purpose. Therefore, with my objection noted and with the clear understanding that this testimony is being compelled by committee

processes, Mr. Mitchell will answer all relevant questions about the \$75,000 payment and all questions about his relationships with President Nixon on any subject matter which is under inquiry by this committee.

However, as a matter of basic fairness, I would earnestly request that the interrogation of Mr. Mitchell be confined to these two areas and that questions not be asked that track the Watergate indictment charges which are remotely relevant to the subject matter here under inquiry and highly prejudicial to Mr. Mitchell's right to a fair trial.

With that statement, we are ready to proceed on the basis that I have outlined.

The CHAIRMAN. We have already stated, of course, Mr. Mitchell, that you have the right to remain silent and not provide any testimony or information which may tend to incriminate you. The statement, however, that your attorney has just presented is noted for the record. Based on that, we will proceed.

Mr. MITCHELL. Thank you, Mr. Chairman.

Mr. SEIBERLING. Mr. Chairman, a parliamentary inquiry.

Could Mr. Hundley read again the two areas that he has requested, just so we may have it clearly in mind?

Mr. HUNDLEY. Yes, let me just state them.

We are prepared to answer any relevant questions concerning the \$75,000 payment to Mr. Hunt on March 21, 1973.

We are also prepared to answer any questions that concern Mr. Mitchell's relationship with President Nixon in any area that is under inquiry by this committee. And all of this, naturally, we are doing over objection.

Quite frankly, what we would hope to accomplish would be that the committee—bearing in mind that Mr. Mitchell does have to go on trial in 2 months in the Watergate case, would try to stay away from asking a lot of questions about matters that are alleged in that indictment which we have to defend against in court and which we are prepared to defend at that time. We realize that the \$75,000 payment is one of the charges in that case. We are prepared to answer questions about that.

Obviously, any questions that concern Mr. Mitchell's relationship with President Nixon that bear upon the Watergate situation, we are prepared to answer those. But we do think as a matter of basic fairness that the committee members ought not to stray so that after 5 or 6 hours here, we end up relitigating the charges in the Watergate indictment.

Now, I realize that, you know, is not a precise formula, but I think that all of the members of this committee are lawyers. I think they are understanding—that they do understand what I am talking about. I think the purposes of the committee can be served and yet, you know, to the extent possible, I would like to maintain our rights to preserve our defense until that trial comes.

It is not a situation of taking the fifth amendment. I don't think the fifth amendment is the appropriate remedy. What it is is I don't think any governmental body has the right, after an indictment has been returned, to cause a discovery of a defendant's case.

Mr. SEIBERLING. Mr. Chairman, could the record also show at this

point that Mr. Mitchell has been called at the request of President Nixon's lawyer, Mr. St. Clair?

Mr. HUNDLEY. But let me also put on the record that Mr. St. Clair requested that the witness be called, but that it was the committee that issued the subpoena to which we are responding today.

Let me also say, and I think Mr. St. Clair would verify this, that Mr. St. Clair indicated that he would try to confine his interrogation to the areas that I just suggested.

The CHAIRMAN. I might also, though, want to advise Mr. Mitchell and his counsel that had there been any suggestion on the part of Mr. Mitchell and his counsel that there was any intention to plead the fifth amendment and had this been communicated to counsel for the Impeachment Inquiry staff, then I am sure that, as we did in the case of Mr. Haldeman when this came to our attention, that the committee did not pursue this any further. We have acceded to the request of Mr. St. Clair in order to accommodate Mr. St. Clair's initial request for an appearance by Mr. Mitchell to so testify that he believed was pertinent.

Mr. HUNDLEY. At the risk of repeating this, the legal point I wish to make is that I don't think a response of the fifth amendment here is the proper remedy. I am not too sure it would even be a proper invocation of the fifth amendment. What I am talking about is that historically, under our system of the criminal administration of justice, once an indictment has been returned, other governmental bodies do not inquire about the very subject matters under issuance. I can think of no situation before where a criminal defendant has been brought before a congressional committee to be asked questions about the very subject matter for which he is going to be tried. It is a situation where the basic right, in my judgment, that is being violated here is his right to a fair trial, a right to maintain intact and undiscovered his defenses until and if the Government can prove those charges in trial. Only then is there any decision to be made on our part to testify.

The CHAIRMAN. Well, let's reemphasize the fact that had there been any such concern which might have been communicated to counsel who had interviewed and carried on discussions, had this been brought to the attention of the committee, the committee, as it did in the case of Mr. Haldeman where a similar request was made and there was a suggestion of the pleading of the fifth amendment, the committee did not pursue further its desire in any way whatsoever.

Mr. HUNDLEY. I brought all these points to the attention of Mr. Doar and Mr. Jenner, but I did tell them that in view of the legal position I was taking, I would not advise Mr. Mitchell to invoke the fifth amendment.

I asked the committee on the legal basis that I outlined to withdraw its subpoena.

I told Mr. Doar if the committee insisted on compelling our testifying, I would try to limit it as much as I could. I would not advise Mr. Mitchell to invoke the fifth amendment.

Mr. SARBANES. Mr. Chairman, are copies of the statement which Mr. Hundley read available for members of the committee so we can see exactly what it is, the premises upon which he is appearing here?

The CHAIRMAN. No such statement is available to the Chair.

Mr. SARBANES. Can they be made available to the members of the committee?

The CHAIRMAN. I am sure they can be made available.

Mr. HUNDLEY. This is a rather rough copy I have. I will be glad to make it available for Xeroxing.

Mr. SARBANES. And I suggest, Mr. Chairman, that the committee desist from proceeding with the questioning of Mr. Mitchell until the statement is made available to the members and we have an opportunity to review it.

Mr. EDWARDS. Mr. Chairman, may I ask a question?

The CHAIRMAN. Mr. Edwards.

Mr. EDWARDS. Mr. Chairman, if Mr. St. Clair and the members on the other side of the aisle, at whose request Mr. Mitchell is here, and in view of the statement of Mr. Mitchell's counsel—speaking only for myself, I should think Mr. Mitchell could be dismissed.

Mr. McCLORY. May I inquire—

Mr. DENNIS. Mr. Chairman—

Mr. McCLORY. It is my understanding that our counsel interviewed Mr. Mitchell at some length and that an agreement was arrived at between our counsel and counsel for Mr. Mitchell with respect to there is no such understanding or agreement that has been reached prior to Mr. Mitchell arriving here.

Mr. DOAR. No, we did not make any such, have any such agreement with Mr. Hundley. Mr. Hundley stated his position to Mr. Jenner and I in connection with the first interview that we had with Mr. Mitchell. He advised us quite clearly that his client did not intend to invoke his constitutional privilege and that he would appear before the committee. He made the argument that he thought that the committee should limit its questions to Mr. Mitchell with respect to conversations that he had with the President, but that he thought anything else beyond that was not relevant to the inquiry. And I explained to Mr. Hundley that it wasn't for him to define the scope of the committee's inquiry or what was relevant or not relevant to the matters before this committee.

I also explained to Mr. Hundley that this was an inquiry under the Constitution by the committee of the House in respect to whether or not there was sufficient grounds to recommend that the House exercise its constitutional power of impeachment and that I had no power to bind this committee to any limited scope of examination.

Mr. McCLORY. Let me say this. I think that it is important for our committee and its reputation to be eminently fair with respect to witnesses and especially when we have a witness who is charged and who is awaiting trial for an offense. And since he is here and is willing to provide testimony, which I think would be useful within the scope and within the range that you have indicated, it would seem to me important for the committee to take advantage of that testimony and to recognize the rights, the legislative rights that the gentleman is asserting through his attorney.

And I would hope that we would do that without getting into a hassle here or without denying ourselves the advantage of these conversations which I think would be extremely illuminative. So I would hope that we would get the benefit of the testimony that he is



willing to provide before acceding to the suggestions of Mr. Edwards, which I think is a good one when we get to the point where the gentleman, Mr. Mitchell, feels that his constitutional rights or his individual legal rights are being impinged upon.

Mr. HUNGATE. Mr. Chairman—

The CHAIRMAN. Mr. Hungate.

Mr. HUNGATE. Well, I think all members of the committee have great respect for the fifth amendment and if it is claimed, it is claimed. I have trouble subdividing it or taking it in parts. It is either claimed or it isn't claimed. We just recently declined to waive our ancient rights as members under the 5-minute rule and I think as members with the right to question where the fifth amendment is not invoked, I don't see how I could waive my right to question fully and just permit testimony on one side of the case without that indispensable ingredient we have discussed here so often, cross-examination and testing the validity of the testimony.

Mr. RAILSBACK. Mr. Chairman—

The CHAIRMAN. Mr. Railsback.

Mr. RAILSBACK. Mr. Chairman, it seems to me that counsel is not demanding anything. I think he has made a reasonable request. But I think it is clearly going to be up to each individual member to either comply or not comply with his request. I don't—I certainly think we ought to go ahead and there are a substantial number of members that want to hear Mr. Mitchell. And I think it is the President's counsel who did request him.

I don't think he is asserting anything or demanding anything, I think he has just made a request and it is up to us to either comply or not comply.

The CHAIRMAN. Well, the question is whether or not one is going to be restricted to the scope of testimony as suggested or outlined by counsel for Mr. Mitchell. I don't see how, with—

Mr. RAILSBACK. I think that is up to us. I think that is clearly up to us.

Mr. HUNGATE. Mr. Chairman, I decline to waive my rights to question. I will make that clear.

Mr. DENNIS. Mr. Chairman?

Mr. COHEN. Mr. Chairman—

The CHAIRMAN. Mr. Cohen.

Mr. COHEN. Could I inquire of the Chair as to whether the chairman contemplated making these proceedings public as far as testimony taken behind closed doors in executive session? Because if the Chair does contemplate making these sessions public, this might very well have an impact upon Mr. Mitchell prior to his trial. I would like to get some sort of response from that.

The CHAIRMAN. No, the determination as to whether or not this testimony will be made public and any of the testimony of any of the witnesses will be a matter that the committee will have to pass upon.

Mr. DENNIS. Mr. Chairman—

Mr. LATTA. Mr. Chairman—

The CHAIRMAN. Mr. Dennis.

Mr. DENNIS. Mr. Chairman, this committee has a very important duty to perform and, in my judgment, it is our positive obligation to

get all the evidence we can get. So I would object strenuously to my good friend from California's suggestion.

Now, Mr. Hundley has made his statement for the record, and I understand counsel doing that. It is quite appropriate for him to make any statement he wishes. But you either take the fifth amendment or you don't, in my book. Everybody knows what his constitutional rights are and I think we ought to take this witness' testimony unless he claims his constitutional rights.

Mr. SEIBERLING. Mr. Chairman—

The CHAIRMAN. Mr. Seiberling.

Mr. SEIBERLING. As I understood the chairman's statement, he stated that had we had such a position taken by counsel for Mr. Mitchell prior to the time he was called or the subpoena was issued, that the decision would have been the same as in the case of Mr. Haldeman; namely, not to call him. I wonder whether the situation is any different merely because he has advanced to the point with respecting sitting before us? If it hasn't, then I would suggest that it is in order to dismiss the witness.

Mr. DENNIS. Will the gentleman yield?

The CHAIRMAN. The Chair would like to state that the Chair did, when the request was made on the part of Mr. Haldeman and his counsel that the committee consider not having him come before them because there would be a possibility of his being jeopardized and the possibility of pleading the fifth amendment, that in accordance with the rules as they are written, I consulted with the ranking minority member and we both decided that we not pursue it any further and the recommendation that we made to the committee was a recommendation that the committee went along with.

I would have been prepared had I known that such a strong statement suggesting that Mr. Mitchell is here under this kind of compulsion, that his rights are being jeopardized as to a fair trial, I would have recommended again in the same manner as I did in the case of Mr. Haldeman.

Mr. HUNGATE. Mr. Chairman, may I inquire of the gentleman of Indiana?

Mr. SANDMAN. Mr. Chairman—

The CHAIRMAN. Mr. Sandman.

Mr. SANDMAN. Mr. Chairman, may I make a recommendation?

I, for one, made a request that Mr. Mitchell appear clearly for item No. 13, which is regarded by most of us here as the most important factor of all, the incident of March 21. And Mr. Mitchell is willing to testify as to that.

I would suggest this, Mr. Chairman, that tonight, since we are only going to be in session for maybe an hour or more, why don't we pursue item 13 and then tomorrow take up from there?

Mr. HUNGATE. I decline to waive my rights.

Mr. SANDMAN. You are not waiving any rights if you take up item 13.

Mr. HUNGATE. I have a right to cross-examine.

Mr. SANDMAN. You can take up 13 and tomorrow take up all the others.

The CHAIRMAN. Mr. Mezvinsky?

Mr. MEZVINSKY. In due respect to the gentleman from New Jersey, I personally view all these items as significant and I think that simply to pick one item out gives a distortion to the significance of this particular testimony. So, I view the right that we have to take the broad scope that we have in front of us and not simply pick one item, No. 13. I would strongly and vehemently oppose going on that basis.

I think the test has to be whether or not we accept the scope that counsel has given to us and if we cannot, then I would support the move by the gentleman from California.

Mr. SEIBERLING. Will the gentleman yield?

Mr. MEZVINSKY. Yes, I will be glad to yield.

Mr. SEIBERLING. I simply want to take the position that either Mr. Mitchell is here for all purposes or he should not be here for any purpose.

Mr. MAYNE. Mr. Chairman?

The CHAIRMAN. Mr. Mayne.

Mr. MAYNE. The fact is that Mr. Mitchell is here under the committee's subpoena and he has not invoked the fifth amendment, and I think we should proceed. It is, of course, the individual responsibility of every member and as the gentleman from Missouri has pointed out, it is the right of every member to examine as he wishes and if any member wishes to destroy this witness' right to a fair trial in the criminal proceeding, that is the power of the individual member. I am going to try very hard to refrain from exercising that power myself. But I think we should proceed and get as much evidence as we can.

Mr. HUNGATE. Will the gentleman yield?

Mr. MAYNE. I am happy to yield.

Mr. HUNGATE. I am sure the gentleman realizes we all want fair trials wherever we can get them and part of the system is that we do have a fifth amendment. It can't be subdivided here. The only question I have is whether we even—I am sorry he is here if he has to claim it. I hate to even make him claim it, but I think, unless the fifth amendment is claimed, that the members are free to ask such questions as they see fit.

Mr. MAYNE. He has indicated a very, very wide range of testimony and for that he is willing to make available to the committee, and as to that which he is not, I think we ought to cross that bridge when we come to it.

Mr. HUNDLEY. Could I interrupt just a minute? Or perhaps I did not make that point clear. It is not our intention to take the fifth amendment on any question. If a particular member of the committee were to ask Mr. Mitchell a question I thought was irrelevant to this committee's inquiry, but could jeopardize his right to a fair trial, I would object to the question on that basis and I would expect a ruling from the committee on it.

If the committee were to take the position that it was relevant, albeit reluctantly, I would instruct Mr. Mitchell to answer the question.

The CHAIRMAN. Ms. Holtzman.

Ms. HOLTZMAN. Mr. Chairman, I thank you for recognizing me.

And, as I gather, Mr. Mitchell's counsel's position here is that he is not testifying willingly to any area of the inquiry?

Mr. HUNDLEY. That is correct.

Ms. HOLTZMAN. And that your basic position is that a defendant

in a criminal trial, until the time of trial, cannot be compelled to be put in a position to even claim the fifth amendment by any other governmental body?

Mr. HUNDLEY. That's correct.

Ms. HOLTZMAN. I wonder if Mr. Doar could comment on that legal position, because I am concerned about it. I think it is certainly one that the committee ought to consider one way or another. Is there any body of law that supports the position that a defendant under indictment cannot be compelled to appear before a governmental body?

Mr. DANIELSON. Would the gentlelady yield for a moment? It relates to the lady's question.

Ms. HOLTZMAN. I will be happy to yield.

Mr. DANIELSON. I appreciate the lady having asked the question, and I certainly join in requesting an answer. I would like to point out on line 5, page 2<sup>1</sup> of Mr. Hundley's statement, he clearly points out that "with his objection noted and with the clear understanding that this testimony is being compelled by the committee" that is the context in which——

Ms. HOLTZMAN. He has answered me that he was not testifying willingly in any area, and I wonder if Mr. Doar might comment on that legal proposition.

Mr. DOAR. I know of no such proposition, and least of all do I know of any such proposition in an Impeachment Inquiry.

Ms. HOLTZMAN. Well, in that event, I thank you for that answer.

Mr. JENNER. Mr. Chairman, I know of no such proposition. Mr. Hundley did not cite any such proposition to either Mr. Doar or me on the two occasions that we met and interviewed Mr. Mitchell and I have never heard of the claim ever having been made by any counsel for any defendant in any proceeding with which I am acquainted in 44 years of practicing law.

Mr. HUNDLEY. Could I answer that, Mr. Chairman?

The CHAIRMAN. You may.

Mr. HUNDLEY. The legal principle I rely upon is a constant, it is imbedded in the criminal law, that actually a defendant in a criminal case has an absolute right to stand mute, say nothing once the charge has been leveled by way of indictment or information as far as the areas that are charged in an indictment.

He has the absolute constitutional right not to say one word. The burden is completely on the Government to prove at the trial, to sustain its burden of proof and only then, only then, does the defendant have to make any decision as to whether or not he wants to testify in his own defense. The Government may never prove those charges now.

Now, let me just cite, if I might, one example. When we appeared before the Watergate Committee, when we appeared——

The CHAIRMAN. The committee will be in order.

Mr. HUNDLEY. When we appeared before the so-called Watergate Committee, Mr. Mitchell, at that time, was under indictment in the *Vesco* case in New York. The committee agreed on the grounds that I have just set forth, not to ask any questions about the *Vesco* matter, even though it concerned political contributions that were under inquiry by that committee.

<sup>1</sup> See p. 113.

Now, when Mr. Mitchell went to trial in that case, he testified unimpaired in his own defense and he was acquitted. So, it is not a question of fifth amendment or no fifth amendment. I don't think that there is any legal proposition that says that a witness is going to testify in his own defense, as Mr. Mitchell did in *Vesco*, has to come in here and invoke the fifth amendment just to insure his right to preserve intact and undiscovered by the Government his legal defenses, until the Government proves those charges.

Mr. HUNGATE. Mr. Chairman?

Mr. HUNDLEY. I think that is a very sound legal principle.

Mr. MARAZITI. Mr. Chairman?

Mr. DANIELSON. Mr. Chairman?

The CHAIRMAN. Mr. Hungate.

Mr. HUNGATE. I think we are all concerned in the statement that the gentleman makes that the committee, in compelling Mr. Mitchell's appearance and testimony at this time is jeopardizing his right to a fair trial and I want to ask Mr. Jenner and Mr. Doar, was this statement, have you discussed this matter with Mr. Hundley before? Have you interviewed Mr. Mitchell?

Mr. DOAR. We have.

Mr. HUNGATE. Was this statement made to you at any time prior to today?

Mr. DOAR. Mr. Hundley did make the statement, but he also made the statement that if he was called he would answer the committee, the questions of the committee.

Mr. HUNGATE. Well, I can only say I regret that the committee didn't have this precise information to consider before the gentleman was here.

Mr. DANIELSON. Mr. Chairman?

Mr. FLOWERS. Let's proceed.

The CHAIRMAN. The committee will proceed.

Mr. Doar.

Mr. DANIELSON. Mr. Chairman, I want to ask a question of counsel for Mr. Mitchell, if I may?

Mr. DENNIS. Regular order.

The CHAIRMAN. Mr. Doar.

Mr. DANIELSON. I make a point of order, Mr. Chairman, that we may very well here be granting immunity to Mr. Mitchell in subsequent criminal prosecution by not clarifying at this time the context in which he may give testimony. I respectfully request the privilege to make an inquiry of Mr. Hundley.

The CHAIRMAN. Mr. Danielson. This is a matter a little too sensitive to dismiss so easily.

Mr. Danielson.

Mr. DANIELSON. Mr. Hundley, I would like to ask you this question. In the context of your statement, which you did make a point of reading into the record before we commenced, I specifically direct your attention to line 3 and 4 on page 2,<sup>1</sup> "with your objection noted, and with the clear understanding that this testimony is being compelled by committee process."

In the event that members of this committee should ask questions

<sup>1</sup> See p. 113.

outside the scope of the two limited items you have mentioned here, matters which relate directly to the indictment which your client is charged with at the present time, would it be counsel's or Mr. Mitchell's intention to raise as an objection or as a plea in bar at the time of any subsequent criminal prosecution the fact that he has been compelled to testify?

Mr. HUNDLEY. We would not at any subsequent trial, you know, in a sense raise the issue that we have sought for and we were granted, had been granted immunity. We are not here asking this committee for immunity, but the problem that flows, of course, from forcing Mr. Mitchell to disclose his defense as to the Watergate charges would be an issue that I, of course, would raise before the trial judge. It wouldn't really be on the grounds of immunity. It would be that, in effect, his right to a fair trial has been destroyed.

Mr. DANIELSON. I appreciate the gentleman's comments and I might state I fully agree with his understanding of the fifth amendment. But, you have again used the word of compulsion. You say, being forced to testify, and you are not relying on immunity but the fact that he may have been forced to testify might have an impact, an impairment, on his right to a fair trial, and I understand that counsel and Mr. Mitchell might raise this point at a later time in a subsequent criminal proceeding as some type of a plea in bar, a basis for a motion to dismiss or some related exculpatory type of proceeding. Am I right in that understanding?

Mr. HUNDLEY. Basically correct.

Mr. SEIBERLING. If the gentleman will yield?

Mr. FLOWERS. Let's proceed, Mr. Chairman.

Mr. SEIBERLING. I would like to pursue one further question.

Mr. HOGAN. Regular order, Mr. Chairman.

Mr. SEIBERLING. Mr. Danielson yielded to me.

The CHAIRMAN. All right.

Mr. FLOWERS. That was under a point of order, Mr. Chairman. I think we are exceeding the point of order.

Mr. SEIBERLING. Well, this relates to that point of order.

Mr. FLOWERS. We are going to be all night long now. We are already 45 minutes on this now.

Mr. BROOKS. Mr. Chairman?

Mr. SEIBERLING. Well, Mr. Chairman, I too will raise a point of order.

The CHAIRMAN. I recognize Mr. Brooks at this time.

Mr. BROOKS. Mr. Chairman, I don't want to take any time. I would just like to say that in view of the fact former Attorney General Mitchell has been called at the request of the Republicans and Mr. St. Clair, I wonder what Mr. St. Clair felt about this matter at the time. Without any prejudice, just candidly what do you think about this, because really I didn't want to trouble Mr. Mitchell in the first place.

Mr. ST. CLAIR. Mr. Chairman, should I respond?

The CHAIRMAN. Yes.

Mr. ST. CLAIR. I stand by my request that was made to this committee.

Mr. LATTI. Regular order, Mr. Chairman. Regular order.

Mr. BROOKS. Pardon me, Mr. Chairman. In view of that, Mr. St. Clair, and in view of Mr. Hundley's statement, what do you think

about that as a limitation on your original request for Mr. Mitchell as a witness?

Mr. ST. CLAIR. I don't recognize necessarily it being a limitation, but if it is a limitation, I represent the President of the United States in these proceedings, and I insist that this committee consider my request for any witness that has knowledge of the facts.

Mr. SEIBERLING. Mr. Chairman, point of order.

The CHAIRMAN. Well, you will state the point of order.

Mr. SEIBERLING. Mr. Chairman, I would like to inquire of counsel for Mr. Mitchell whether—

Mr. FROELICH. Regular order.

Mr. SEIBERLING. I would like to state my point of order. My point of order is that the Constitution of the United States states that no man shall be compelled to be a witness against himself and my question is whether it is the position of counsel for Mr. Mitchell that his client is being compelled to testify against himself?

Mr. FLOWERS. That's not a point of order, Mr. Chairman.

Mr. SEIBERLING. The Constitution of the United States is not a point of order?

Mr. FLOWERS. That's not at issue right now.

Mr. SEIBERLING. I will ask the Chairman if he will ask if that is the position?

The CHAIRMAN. I will ask the counsel to respond to that question.

Mr. HUNDLEY. I just can't answer that question, Congressman. I am sorry. It's a basic legal position I am taking and I have stated that we are not going to invoke the fifth amendment here. The problem is for the first time, to my knowledge, has a congressional committee call, subpoenaed as a witness and planned to interrogate this witness about those very same areas for which he has to defend himself in a criminal trial at a later date. There just isn't any precedent for this being done.

Mr. SEIBERLING. Well, the gentleman used the word that the testimony is compelled.

The CHAIRMAN. Mr. Seiberling, just a moment, please.

Mr. Counsel, if you feel that this committee compels your client to appear before this committee, and in prejudice of a basic right, did you not consider the move to quash the subpoena?

Mr. HUNDLEY. I might just say this. We had raised basically the same position before the Watergate Committee when Mr. Mitchell was compelled to testify before that committee. They agreed not to ask questions about the *Vesco* case because he was under indictment. As far as Watergate was concerned, they took the position, well, he hasn't been indicted yet and they went ahead.

In recent pretrial motions before Judge Sirica, when I raised this point, Judge Sirica pointed out that at that time, he, Judge Sirica, would have no power to take action against a bona fide committee of the Congress. He pointed out that the remedy, if there is a remedy, if I am right, would be at a later date when he had jurisdiction over the case. So, in my judgment, it just would have been a futile act to move before Judge Sirica to quash the subpoena, because he has indicated, and I think he is correct, that he wouldn't have the power to quash a subpoena from this committee.

Mr. RAILSBACK. Let's proceed.

Mr. SANDMAN. Let's proceed.

The CHAIRMAN. We will proceed.

Mr. Mitchell, however, I do note that in your statement, which is before the committee, having noted the objection, it is with the clear understanding that this committee, this testimony compelled by committee process, Mr. Mitchell will answer all of the relevant questions about the \$75,000 payment and about his relationships with President Nixon on any subject matter under inquiry by this committee. Do you understand the scope of this committee's inquiry?

Mr. HUNDLEY. Yes. Yes. I believe I do, Mr. Chairman. Yes.

Mr. MITCHELL. Mr. Chairman, if I can speak for myself, I am sure I do not understand the scope of the inquiry, if I understood what your question was. I understand this, of course, is the Committee on Impeachment and it has to do with an action and failure of actions of the President. How far you go in eliciting facts to arrive at what you think is necessary to make that determination, I do not have the understanding of the scope of it. But, I am sure that having looked at this sheet that I presume was provided to us by counsel, I would gather that there are many items here that have no relationship whatsoever to an inquiry on the impeachment of the President.

The CHAIRMAN. Well, Mr. Mitchell, unfortunately, while we respect your opinion in this matter, nonetheless the House of Representatives, as you know, has a constitutional right and a constitutional power to inquire into this matter, into all matters related to the conduct of the President of the United States that may bear on impeachability.

And so with that, we believe that this is a very broad scope and as such, this is why we feel that a restriction which is sought to be imposed is absolutely not in keeping with our authority to proceed, notwithstanding the fact that I am sure every Member is concerned and sensitive about the rights of an individual who is presently, as you are, under indictment, and doesn't seek and seeks in no way to prejudice that right.

Mr. MITCHELL. Well, I thank you, Mr. Chairman. I was trying to be responsive to your inquiry to me.

The CHAIRMAN. Well, we will proceed.

Mr. DOAR.

Mr. DOAR. Mr. Mitchell, would you tell the committee your background and experience as a professional man?

Mr. MITCHELL. I was admitted to the bar in 1938 in the State of New York, where I practiced law with a succession of law firms from 1941 on as a partner in the law firms, until 1969, when I became the Attorney General of the United States.

Mr. DOAR. How long did you remain Attorney General of the United States?

Mr. MITCHELL. From the 20th of January 1969 to March 1, 1972.

Mr. DOAR. And what position did you take following your resignation as Attorney General?

Mr. MITCHELL. Well, I took two positions. I went back to the practice of law and on the 9th of April in 1972, I became the campaign director of the Reelection Committee.

Mr. DOAR. The Reelection Committee for President Nixon?



Mr. MITCHELL. For President Nixon.

Mr. DOAR. And how long did you remain in that position?

Mr. MITCHELL. Until July 1, 1972.

Mr. DOAR. And at that time, did you resign?

Mr. MITCHELL. At that time I resigned as the campaign director and continued as a consultant to the Committee for the Re-Election of the President.

Mr. DOAR. And did you continue as such consultant throughout, throughout the election of 1972?

Mr. MITCHELL. Yes, in varying degrees of activity. They began to taper off as the responsibilities that I had diminished toward the election date.

Mr. DOAR. And following the election, did you continue as a consultant for the committee?

Mr. MITCHELL. I was consulted from time to time by people on the Committee for the Reelection of the President and the finance committee.

Mr. DOAR. And up to an including what date?

Mr. MITCHELL. Well, I guess until this date.

Mr. DOAR. I see. Prior to the time that you became Attorney General of the United States, you were a law partner of President Nixon?

Mr. MITCHELL. Yes, sir, I was from January 1, 1967, until I resigned from the firm in January of 1969.

Mr. DOAR. And can you tell us what role you played in President Nixon's 1968 election?

Mr. MITCHELL. I was the campaign director.

Mr. DOAR. During your time of service as the Attorney General of the United States, what was your relationship with President Nixon?

Mr. MITCHELL. Well, of course, as the Attorney General, in his Cabinet and continued on a basis of consultation and advice and with some social activities.

Mr. DOAR. Prior to the time that you resigned as the Attorney General, did you participate or make any decision for the Committee to Reelect the President?

Mr. MITCHELL. I was consulted from time to time by the people who were organizing the Committee for the Reelection of the President, and by that I mean the six or seven citizens who organized it, as well as some of the staff that they had appointed from time to time.

Mr. DOAR. Were you consulted about the hiring of Gordon Liddy as general counsel to the committee?

Mr. MITCHELL. I think the consulting might be, it might be the appropriate word, but better to describe it the committee was apparently looking for a counsel. Mr. John Dean brought Mr. Gordon Liddy to my office, discussed the retaining of Mr. Liddy as counsel. We discussed briefly his background, his experiences and Mr. Liddy then went to the committee where he was hired by Mr. Magruder. I advised Mr. Dean that I had no reason to disbelieve but what he could fill the bill.

Mr. DOAR. At that time, what was Mr. Dean's position?

Mr. MITCHELL. He was counsel to the President.

Mr. DOAR. Counsel to President Nixon?

Mr. MITCHELL. That is correct, sir.

Mr. DOAR. Did you have any discussion subsequent to that discussion with John Dean with President Nixon with respect to Gordon Liddy?

Mr. MITCHELL. No, sir. The President never got into any of these areas.

Mr. DOAR. Now, moving forward to the period after the election of 1972, did you move back to the city of New York?

Mr. MITCHELL. I moved back to the city of New York before the election in 1972.

Mr. DOAR. Were you living in New York following the election?

Mr. MITCHELL. I was living in New York before the election and following the election.

Mr. DOAR. Now, fixing your mind with respect to the period from November, the election, through the month of March, 1973, were you living continuously in New York during that period?

Mr. MITCHELL. Yes, sir.

Mr. DOAR. And did you on occasion come to Washington to consult with President Nixon during that period?

Mr. MITCHELL. At least on one occasion. I believe but one.

Mr. DOAR. And what occasion was that?

Mr. MITCHELL. That was March 22, 1973.

Mr. DOAR. And at whose request did you come to Washington to consult with President Nixon on March 22?

Mr. MITCHELL. Mr. Haldeman.

Mr. DOAR. Did Mr. Haldeman tell you that the President wanted to see you?

Mr. MITCHELL. Yes, sir.

Mr. DOAR. Did he tell you that it was urgent that you come to see him?

Mr. MITCHELL. I don't know as he used the term urgent. When he called me on the telephone, he asked me if I could come down that afternoon. I told him that I couldn't, I had other obligations, and the appointment was scheduled for the following day.

Mr. DOAR. Then that was, the appointment was scheduled for the 22d and Mr. Haldeman called you on the——

Mr. MITCHELL. 21st.

Mr. DOAR. 21st?

Mr. MITCHELL. Yes, sir.

Mr. DOAR. Do you know about what time of day that was?

Mr. MITCHELL. It is my recollection that it would be sometime shortly after noon. How early in the afternoon, I can't tell. I have no records to substantiate the call, but as I say, my recollection is that it was shortly after noon.

Mr. DOAR. Would you explain to the committee what was your practice with respect to maintaining logs of telephone calls and records of appointments at that time?

Mr. MITCHELL. At the time——

Mr. DOAR. At March 21st, 22d?

Mr. MITCHELL. Well, I think since it may come into play, if you will indulge me for a moment, I would go back up to that.

Mr. DOAR. Surely.

Mr. MITCHELL. Because these logs have become somewhat publicized. In Justice Department, there was kept a log of every meeting that was

held and every telephone call that was completed, and completed is an important facet of it. Unbeknownst to me, this practice was continued by my secretaries after I left the Justice Department, and when I was in my law office here in Washington and also in connection with the personnel that worked for me from the Committee for the Re-Election of the President.

And this was continued through until the end of the calendar year 1972, at which time I had become actively engaged in the practice of law.

The practice in the law firm did not lend itself to that type of log-keeping. It lent more to the billing procedures, time spent with clients, telephone calls charged with clients, and so the former practice was suspended and we went to the customary practice that most law firms carry out with respect to the time and charges for clients.

Mr. DOAR. So on the 21st of March 1973 and the 22d of March, that period, you didn't have any logs, detailed telephone logs of calls in and calls out, unless they related to a particular client's business?

Mr. MITCHELL. That is substantially correct, sir. Other than, of course, the toll calls that the telephone company would provide.

Mr. DOAR. But, that only would be for calls out?

Mr. MITCHELL. Outgoing calls, Counselor, yes, sir.

Mr. DOAR. Not calls going in. Did Mr. Haldeman say anything else to you when he called you and asked you to come down that afternoon to see the President?

Mr. MITCHELL. It is my recollection that the telephone call was very brief and he referred to the fact that there had been considerable consternation over the Executive privilege situation that was involving the Gray hearings in the Senate Judiciary Committee, and also in connection with the upcoming select committee activities, and that this was the subject matter that was desired to be discussed.

Mr. DOAR. Now, the last time prior to the 21st of March that you had talked with the President was when?

Mr. MITCHELL. I don't know that I can answer that off hand, Mr. Doar. But, I have a record here that was provided by the White House in connection with the Ervin committee hearings and I may be able to answer your questions more specifically by refreshing my recollection. There was a call on December 25th.

Mr. DOAR. You had a call on Christmas Day from the President?

Mr. MITCHELL. That is correct, sir.

Mr. DOAR. And how long a call was that?

Mr. MITCHELL. A very short Christmas greeting.

Mr. DOAR. Best wishes call from one friend to another?

Mr. MITCHELL. I believe they were best wishes, yes.

Mr. DOAR. There was no business transacted?

Mr. MITCHELL. No; not to my recollection, Mr. Doar.

Mr. DOAR. And before that, Mr. Mitchell?

Mr. MITCHELL. Are we talking solely about telephone calls or meetings or both?

Mr. DOAR. Telephone calls or meetings with the President.

Mr. MITCHELL. The prior meeting was one on November 24th, when the President visited our law offices in New York City.

Mr. DOAR. You spent some time with him, and I remember I believe

reading about that in the paper, you spent some time with your associates in the firm and President Nixon toured the firm with you?

Mr. MITCHELL. Yes; that is correct, and with the other senior partners. I would guess that he was there an hour and a half, maybe 2 hours.

Mr. DOAR. Other than those two incidents, one when President Nixon visited your firm in New York and the Christmas call, you had had no communication, telephone or personally with President Nixon since the election?

Mr. MITCHELL. Well, personally, no. But, that did not exclude the possibility that other people, such as Mr. Haldeman, might have conveyed messages back and forth in connection with different subject matters.

Mr. DOAR. Is it fair to say that through the period of time that you worked with President Nixon, that Mr. Haldeman frequently conveyed messages back and forth between you and the President?

Mr. MITCHELL. Yes, sir, that was the customary channel when I didn't talk to him directly.

Mr. DOAR. Mr. Haldeman was the President's Chief of Staff?

Mr. MITCHELL. That was my understanding of his title, yes.

Mr. DOAR. And, now, did you have another call on March 21 with respect to—from Fred LaRue?

Mr. MITCHELL. I had a call in that time frame, Mr. Doar, which I cannot establish because I have no basis of records for it. But, it most assuredly was within that period of March 21 or sometime before then. I would have to believe that it was March 21, but I have no way of establishing that.

Mr. DOAR. Do you have any way of establishing what time of day the call was made?

Mr. MITCHELL. No; other than I have a recollection I received the Fred LaRue call, whenever I did receive it, before I talked to or before Mr. Haldeman called me and I talked to him.

Mr. DOAR. What is the basis of that recollection?

Mr. MITCHELL. The recollection that I have. There is no basis other than what I recall.

Mr. DOAR. I see. You don't have any records?

Mr. MITCHELL. No; I have no records.

Mr. DOAR. Do you know whether Mr. LaRue called you or you called him?

Mr. MITCHELL. I would believe, and it is my best recollection, that he called me, and my telephone records do not show any call on that particular day of March 21. But, my recollection is that he called me.

Mr. DOAR. When you say your telephone records, just so the committee members are clear about it, we are talking about the New York Bell Telephone records?

Mr. MITCHELL. The toll records of the telephone company.

Mr. DOAR. You don't have any calls on March 21 to the Committee to Re-elect the President?

Mr. MITCHELL. No, sir. On March 21, my records do not, or the telephone company records, do not show that.

Mr. DOAR. You didn't have any kind of a direct line between your office and the Committee to Re-elect the President, did you?

Mr. MITCHELL. No, sir, I did not.

Mr. DOAR. Now, on that——

Mr. MITCHELL. And I might clarify the record, Mr. Doar. I believe that my telephone records show that I, when I talked to Mr. LaRue, I talked to a specific number which was not the general number of the Committee to Re-elect the President. That is my understanding of it.

Mr. DOAR. What you are telling the committee is that when you placed calls to Mr. LaRue, you placed them on a private number of Mr. LaRue's.

Mr. MITCHELL. A number that he had in the office which was not the general number of the committee. That is my understanding of it.

Mr. DOAR. Your records do indicate, I believe, or that is the Bell Telephone Co. records, that there were three calls placed by you to the White House on March 21?

Mr. MITCHELL. I have them here. I can confirm that. I don't recall that, as a matter of fact. Yes, sir, that is correct.

Mr. DOAR. And could you tell the committee what your records indicate for your calls on March 20?

Mr. MITCHELL. To whom, Mr. Doar?

Mr. DOAR. Well——

Mr. MITCHELL. You want all of them?

Mr. DOAR. Well, I just want to ask you if you can tell me whether there were two calls placed to the White House on March 20?

Mr. MITCHELL. Yes, sir.

Mr. DOAR. And were there two calls placed to Mr. O'Brien on March 20?

Mr. MITCHELL. Yes, sir, there were.

Mr. DOAR. And were there two calls placed to Mr. Parkinson on the 20th?

Mr. MITCHELL. Yes, sir.

Mr. DOAR. And was there one call placed to Mr. LaRue on the 20th?

Mr. MITCHELL. Yes, sir.

Mr. DOAR. Who was Mr. LaRue?

Mr. MITCHELL. Mr. LaRue at what particular time?

Mr. DOAR. At that time.

Mr. MITCHELL. Mr. LaRue, on the 20th of March, 1973, would I believe had been the senior remaining personnel in the Committee for the Re-election of the President, who was there at the time of helping wind it up.

Mr. DOAR. And have you known him for a considerable period of time?

Mr. MITCHELL. I had known Mr. LaRue since the Presidential campaign of 1968.

Mr. DOAR. And had he worked for you when you were the director of the Committee to Re-elect the President in the 1972 campaign?

Mr. MITCHELL. Yes, sir, he had.

Mr. DOAR. What was his position?

Mr. MITCHELL. Well, his title was special assistant.

Mr. DOAR. And how many special assistants did you have?

Mr. MITCHELL. I believe that they probably classified them, at least two and possibly a third.

Mr. DOAR. Is it fair to say that you had a close personal relationship with Mr. LaRue?

Mr. MITCHELL. I think we had a reasonably close social relationship, yes. Not frequently, but frequently enough so I would say it was a personal relationship.

Mr. DOAR. And then from the beginning of the 1968 campaign up to and including March 22, 1973, you had a political relationship with Mr. LaRue?

Mr. MITCHELL. I certainly did, through the 1968 campaign. After the administration started in Washington in 1969, I did not see much of Mr. LaRue. I certainly had no political relationship with him then until he subsequently became involved with the Committee for the Re-Election of the President.

Mr. DOAR. Didn't Mr. LaRue work with you, Mr. Haldeman, and several other close associates of the President at the Pierre Hotel in the transition at the beginning and just prior to the beginning of the Nixon administration?

Mr. MITCHELL. He might have been there, Mr. Doar. I don't recall his having been there.

Mr. DOAR. You were there?

Mr. MITCHELL. I was there. Mr. Haldeman was there and I doubt Mr. LaRue was. It had been my impression, as we discussed the other day, that he had spent his time in Washington in the transition office down here, but that may not be so.

Mr. DOAR. Just as a matter of interest, were you in charge of that transition office in New York?

Mr. MITCHELL. No; the President was in charge of it.

Mr. DOAR. The President was in charge. Now, what did Mr. LaRue say to you?

Mr. MITCHELL. The President-elect, excuse me.

Mr. DOAR. The President-elect. What did the President or what did Mr. LaRue say to you and what did you say to him on that occasion that you fix on or about March 21?

Mr. MITCHELL. Mr. LaRue, as I recall it—it was a relatively short conversation. He said that there had been requests for the payment of legal fees in connection with Mr. Hunt. I believe that he used the word Mr. Bittman had requested them. He said that he had talked to John Dean, or John Dean had talked to him about it. I am not quite sure what the sequence was, that John Dean had advised Fred LaRue that the White House was no longer in the business of providing money, and Fred LaRue asked me what I would do under the circumstances if I were he. There was also, as part of that discussion, a reference that might have been pursuant to my inquiry as to whether previous payments had been made to Mr. Hunt or Mr. Bittman in connection with these legal expenses, and the answer was yes, that there had been. And my answer to him was well, if I were you, I would continue and make the payment.

Mr. DOAR. You said to Mr. LaRue, you asked him whether or not there had been previous commitments made for attorneys fees?

Mr. MITCHELL. I didn't say commitments, whether there had been previous payments made.

Now, I don't know whether he advised me of that or whether I had

made the inquiry. It became part of the discussion, the fact that payments had been made.

Mr. DOAR. Well, was this the first time that you had been aware that previous payments had been made to the defendants, the Water-gate defendants?

Mr. MITCHELL. No, it was not.

Mr. DOAR. You had known that before; hadn't you?

Mr. MITCHELL. I had known it before; yes.

Mr. DOAR. And you, in fact, you were well aware of that back through beginning in the summer of 1972?

Mr. MITCHELL. No, Mr. Doar. I was not aware that any of these payments had been made until sometime in the fall of 1972.

Mr. DOAR. I see. And did you know where this \$75,000 was coming from?

Mr. MITCHELL. I didn't know where the \$75,000 was coming from. I assumed it was coming from the money that they had had over in the White House under that \$350,000 polling fund that they had.

Mr. DOAR. Is that the fund that was under Mr. Haldeman's exclusive control?

Mr. MITCHELL. It is my understanding that the moneys were provided to the White House by the Committee for the Re-election of the President to Mr. Haldeman for his staff for the purpose of polling.

Mr. DOAR. Mr. Jenner calls my attention to the fact that you did not answer the question.

Mr. MITCHELL. Now, which question was this?

Mr. DOAR. Is that the fund that was under Mr. Haldeman's exclusive control?

Mr. MITCHELL. I don't know whether it was under Mr. Haldeman's exclusive control or not. It was provided to the White House for purposes of polling and Mr. Haldeman, I am sure, would have had charge of all of that, of the polling that would take place in the White House, because he was somewhat of a specialist in it.

Mr. DOAR. Now, did you know how Mr. Fred LaRue had gotten that money? That \$350,000?

Mr. MITCHELL. I presume that he had gotten it from the White House.

Mr. DOAR. Had he told you before that time that he had gotten it from the White House?

Mr. MITCHELL. Well, it wasn't a question of his telling me. It was a question of his discussing with me the existence of the money over there, and the fact that there was going to be made a request that that money be made available for these purposes, which was sometime before that. How far before, I don't recall.

Mr. DOAR. Did you suggest to Mr. LaRue or to anyone else that this fund be used to make payments to these defendants?

Mr. MITCHELL. I did not suggest that it be used. It was in an entirely different context, and Mr. LaRue at some time, and I believe it was in early 1973, told me that money that he had been using for the purposes of making these payments to counsel and so forth was exhausted, was there any other money available for such a purpose.

And I recounted to him the fact that this money had been transferred to the White House. I didn't know whether it was available or

not, but I suggested that he check with the White House on the subject matter.

Mr. DOAR. And do you have any knowledge as to why the White House turned this money over to Mr. LaRue?

Mr. MITCHELL. I have no knowledge on the subject.

Mr. DOAR. Now, did you have any further conversations with Mr. LaRue that day?

Mr. MITCHELL. No, sir. My recollection is that was the sole conversation that I had.

Mr. DOAR. You did tell him that it was all right and make that payment?

Mr. MITCHELL. No; I didn't tell him that it was all right to go ahead and make that payment. I told him, as I testified before, Mr. Doar, he asked me what I would do if I were he, and I said under the circumstances I would make the payment.

Mr. DOAR. Now, did you come to Washington on the following day?

Mr. MITCHELL. Yes, sir, I did.

Mr. DOAR. And did you have a meeting with Mr. Ehrlichman and Mr. Haldeman and John Dean prior to the time you met with the President?

Mr. MITCHELL. Yes, sir. It was not a continuous meeting with the three other parties, because they were in and out of Mr. Haldeman's office where the meeting took place.

Mr. DOAR. At that meeting, was there any discussion with respect to this payment to Mr. Hunt for attorneys' fees?

Mr. MITCHELL. None whatsoever.

Mr. DOAR. You are sure of that?

Mr. MITCHELL. That is my definite answer, and I am quite sure of it.

Mr. DOAR. When you met with the President on that afternoon, how long a time did you meet with him?

Mr. MITCHELL. As I recall, it was sometime after 1:30. How long after I am not sure, until very close to—well, between 3:30 and a quarter to 4:00, is my best recollection.

Mr. DOAR. And during that discussion with the President, did you have any discussion with him with respect to this payment to Mr. Hunt for attorneys' fees?

Mr. MITCHELL. Absolutely not.

Mr. DOAR. Attorneys' fees?

Mr. MITCHELL. Absolutely not.

Mr. DOAR. And did the President say anything to you about that?

Mr. MITCHELL. No, sir.

Mr. DOAR. Had you at any previous occasion discussed with President Nixon the fact that money was being paid to these defendants?

Mr. MITCHELL. No, sir.

Mr. DOAR. For attorneys' fees or for any other purpose?

Mr. MITCHELL. I have not discussed with the President any payments for any purpose for any of these defendants.

Mr. DOAR. You have testified before with respect with what you have characterized as the White House horrors?

Mr. MITCHELL. If you are making reference to the Senate Select Committee, I believe that term was used; yes.

Mr. DOAR. By you?



Mr. MITCHELL. By me.

Mr. DOAR. And what did you mean by that?

Mr. MITCHELL. By the White House horrors?

Mr. DOAR. Yes.

Mr. MITCHELL. Well, let me see if I can recall all of them at this late stage.

Certainly there was the Ellsberg psychiatrist break-in, there was the Dita Beard episode, there was—there were the Diem cables and there was the Brookings Institute situation. Oh, yes, I believe that there were references to statements made to me that there had been wiretapping undertaken outside of the normal channels of the Bureau, Federal Bureau of Investigation, and some miscellaneous investigations of Chappaquiddick, and I think that covers the basic elements of it.

Mr. DOAR. Were you aware that Gordon Liddy and Howard Hunt were involved in carrying out some of these White House horrors, as you described them?

Mr. MITCHELL. At what time, Mr. Doar?

Mr. DOAR. In March of 1973?

Mr. MITCHELL. In March of 1973?

Mr. DOAR. Yes.

Mr. MITCHELL. I was aware that they had been involved in them.

Mr. DOAR. Do you remember me asking you on Sunday why the White House authorized the transfer back of the \$350,000 to the committee?

Mr. MITCHELL. Why the White House authorized the transfer back to the committee?

Mr. DOAR. To pay these defendants? Do you remember me asking that on Sunday?

Mr. MITCHELL. It seems to me that you did, and it seems to me that we got into a dialog about the fact that it wasn't transferred back to the committee.

Mr. DOAR. Well, then, perhaps we talked about—let me ask you this question: Can you tell me why the White House authorized the payment of this \$350,000, the use of this \$350,000 to pay for attorneys' fees and expenses of these defendants?

Mr. MITCHELL. I am not sure I get the thrust of your question.

Mr. DOAR. Well, the thrust of my question is if you can tell me why the White House approved the use of this \$350,000 to pay attorneys' fees and expenses for the Watergate defendants?

Mr. MITCHELL. I don't know why the White House did it.

Mr. DOAR. I would like to ask you if you didn't on Sunday tell me that they did that to keep the defendants happy?

Mr. MITCHELL. No. I think, Mr. Doar, this got into the area of supposition, not the fact that I knew this. I think we were discussing the possibilities of why they had and this was a supposition on my part. I have no knowledge of any particular one in the White House having made an express determination that they were going to turn that money over to LaRue for the purpose of paying those in order to do as you have said, what was your expression with respect to the defendants?

Mr. DOAR. Well, I think it was your expression. Keep them happy.

Mr. MITCHELL. Well, if it was, it was supposition on my part, because I have no express knowledge on the subject.

Mr. DOAR. Well, do you now recall whether that was your expression?

Mr. MITCHELL. To keep them happy?

Mr. DOAR. Yes.

Mr. MITCHELL. Well, my supposition would follow through, as I have just said, and I could adopt that expression of keeping them happy, as you have related it.

Mr. DOAR. I don't want, I don't want to be unfair about it, but I just want to relate the conversation, refresh your recollection about that conversation.

Mr. MITCHELL. Just so long as we keep the record straight that I didn't have any knowledge that anybody in the White House made a positive determination that they were asking to transfer this money for that particular purpose. If we were discussing suppositions, that would have been my supposition.

Mr. DOAR. Now, in November of 1972, did you have a conversation with John Dean in the city of New York around the 15th of November?

Mr. MITCHELL. Yes, sir. It was on the 15th of November.

Mr. DOAR. And did he come to see you in New York on that date?

Mr. MITCHELL. He came up with Mr.—with Secretary Stans to see me, and there was a meeting held at the Metropolitan Club in New York.

Mr. DOAR. And at that time, can you tell us whether or not he had a tape recording with him of a conversation?

Mr. MITCHELL. Yes, he had a tape recording with him. And my recollection is that it was a conversation that was recorded by Mr. Colson of a telephone conversation he had had with Mr. Hunt.

Mr. DOAR. And did you listen to that conversation?

Mr. MITCHELL. To limited parts of it.

Mr. DOAR. Do you recall what parts you listened to?

Mr. MITCHELL. No. It was very brief. It was a — and I can't remember the details of it. It was a dialog between Colson and Hunt in which Hunt was more or less pointing out that he felt that he was being abandoned by his friends, and Mr. Colson was providing a bunch of self-serving declarations, and I can't give you the gist of it. It was a very short segment of it that was played.

Mr. DOAR. Do you recall whether there was any demand by Mr. Hunt for money in that conversation?

Mr. MITCHELL. I don't recall it as such. I don't believe that I heard that part of it. I believe that Mr. Dean's conversation that accompanied it, if my recollection is correct, suggested that the purpose of the telephone call from Mr. Hunt to Colson was in that area. Whether you would phrase it as a demand or a desire, or whatever it is, I can't say specifically, because I don't remember the language of the conversation.

Mr. DOAR. Well, the substance of the discussion either with Mr. Dean, or if you heard it on the tape that there was or Mr. Hunt had expressed a demand or a desire to Mr. Colson for money?

Mr. MITCHELL. That is my recollection, Mr. Doar.

Mr. DOAR. And what was your response to that?

Mr. MITCHELL. My response to that was that it sounded like Mr.

Colson had a lot of self-serving declarations on that particular tape and that I wasn't particularly interested in any more of the conversation and that may have been the basis upon which the playing of the recorded tape was terminated.

Mr. DOAR. Now, in February of 1973, did Mr. Moore come to see you in New York?

Mr. MITCHELL. Yes, he did. Mr. Richard Moore.

Mr. DOAR. Could you identify Mr. Moore for the committee?

Mr. MITCHELL. Mr. Richard Moore is—I don't know, a Special Assistant, I guess, to the President, to the White House. I am not sure of his title. He formerly had been employed in the Justice Department and, of course, was a lawyer by profession.

Mr. DOAR. And did Mr. Moore—what was the purpose of Mr. Moore's visit to you in New York in February?

Mr. MITCHELL. As I understood the purpose, it was to discuss the posture and the activities of the Committee for the Re-Election of the President, or the personnel of those committees in connection with the upcoming select committee hearings in the Senate.

Mr. DOAR. During that conversation, did Mr. Moore ask you to help raise money for the Watergate defendants?

Mr. MITCHELL. No, he did not put it in quite those terms. My recollection was that he was very embarrassed to broach the subject matter, that he waited until, as I recall, our other conversations were over, and put it somewhat to the effect, you wouldn't like to help raise money for these purposes, would you.

Mr. DOAR. Kind of a —

Mr. MITCHELL. I think Mr. Moore had been advised previously by other people, and I believe there is testimony to that effect, that I took a very dim view of fundraising in any capacity, and particularly for this purpose.

Mr. DOAR. You didn't regard this as your problem?

Mr. MITCHELL. I did not regard it as my problem whatsoever, and I had never raised any money for anything in the political field or otherwise in my life, and I wasn't about to start then. And I think I was a little cryptic with Mr. Moore.

Mr. DOAR. Well, I would like to just confine this to the raising of money for the Watergate defendants, and I would like to ask you specifically whether you regarded it as your problem to raise money for the Watergate defendants?

Mr. MITCHELL. I most assuredly did not.

Mr. DOAR. And you made that clear to Mr. Moore?

Mr. MITCHELL. Yes, I did.

Mr. DOAR. You submitted your resignation to President Nixon as the director of the Committee to Re-Elect the President on June 30, 1972?

Mr. MITCHELL. It was discussed with the President on June 30. I am not sure that the resignation was dated the 30th or July 1, Mr. Doar. I just want to make the record clear it might have been dated July 1.

Mr. DOAR. Did you have a conversation with the President and Mr. Haldeman on June 30?

Mr. MITCHELL. Yes, sir; I did.

Mr. DOAR. And did you discuss your resignation with the President and Mr. Haldeman at that time?

Mr. MITCHELL. At considerable length.

Mr. DOAR. And did you discuss the Watergate matter at that time?

Mr. MITCHELL. No, sir.

Mr. DOAR. No discussion of that at all?

Mr. MITCHELL. No, sir; not to my recollection whatsoever. That was not the purpose of the meeting, and I recall no discussion of it whatsoever.

Mr. DOAR. According to a recorded conversation between you and the President and Mr. Haldeman on that day, Mr. Haldeman spoke as follows:

Well, there maybe is another facet. The longer you wait, the more risk every hour brings. You run the risk of more stuff, valid or invalid, surfacing on the Watergate caper-type of thing.

Do you remember that being said?

Mr. MITCHELL. I don't remember that being said at all, and I was surprised when you gentlemen showed it to me on Sunday. I think that you have to take the total context of that.

I am not certain that the Watergate phrase there was used except by way of comparison. But the total context there will show you quite clearly that it related to an entirely different incident that was under discussion.

Mr. DOAR. Well, in Mr. Haldeman's statement there, according to the transcript of the tape recording, you replied: "You couldn't possibly do it if you got into a ——" And then there is a stop, and Mr. Haldeman said: "The potential problem, and then you are stuck."

Mr. MITCHELL. Mr. Doar, we were discussing the problem that I had been having with and was continuing to have with my wife. This was the basis, the purpose of the resignation. It is the subject matter we were discussing, and the balance of that transcript, or whatever you call it that you have there, makes eminently clear that was what we were talking about.

Mr. WIGGINS. Mr. Chairman, can we have a page reference please to the transcript?

[Material unrelated to testimony of witness deleted.]

Mr. DOAR. It is the transcript prepared, or it is a transcript of a recorded conversation between the President, Mr. Haldeman, and Mr. Mitchell on June 30, 1972. It is in the book, it is in book 2 of the books that we presented, paragraph 46.1.

The CHAIRMAN. We will recess until 10 o'clock tomorrow morning.

[Whereupon, at 7:37 p.m., the hearing was recessed, to reconvene at 10 a.m., on Wednesday, July 10, 1974.]

## IMPEACHMENT INQUIRY

WEDNESDAY, JULY 10, 1974

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The committee met, pursuant to notice, at 10:13 a.m., in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman) presiding.

Present: Representatives Rodino (presiding), Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eilberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson, McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne, Hogan, Butler, Cohen, Lott, Froehlich, Moorhead, Maraziti and Latta.

Impeachment Inquiry staff present: John Doar, special counsel; Albert E. Jenner, Jr., minority counsel; Samuel Garrison III, deputy minority counsel; and Evan Davis, counsel; Richard Gill, counsel; Gary Sutton counsel; Bernard Nussbaum counsel.

Committee staff present: Jerome M. Zeifman, general counsel; Garner J. Cline, associate general counsel, Alan A. Parker, counsel; Daniel L. Cohen, counsel; William P. Dixon, counsel; Arden B. Schell, counsel; Franklin G. Polk, associate counsel; Thomas E. Mooney, associate counsel; Michael W. Blommer, associate counsel.

Also present: James D. St. Clair, special counsel to the President; John A. McCahill, assistant special counsel; and Malcolm J. Howard, assistant special counsel.

The CHAIRMAN. Will the photographers please clear the room.

The committee will come to order. And Mr. Mitchell, I merely wish to remind you that you are still under oath. You understand?

Mr. MITCHELL. I understand fully, Mr. Chairman.

### TESTIMONY OF JOHN N. MITCHELL, ACCOMPANIED BY WILLIAM G. HUNDLEY AND PLATO CACHERIS, COUNSEL—Resumed

The CHAIRMAN. Mr. Doar.

Mr. DOAR. Mr. Chairman, when we finished yesterday afternoon I was asking Mr. Mitchell several questions about the meeting he had with the President on June 30, 1972, and I was asked by several members if the transcript of that meeting could be before the members. So, I would like permission to distribute that transcript now because it is not available to the members. It is in their books.

The CHAIRMAN. Please do so.

Will you proceed, Mr. Counsel and Mr. Mitchell.

Mr. DANIELSON. Mr. Chairman, while these are being distributed, could Counsel tell us whether we have had these in any form before?

Mr. DOAR. Oh, yes you have. It has been in the book, book II, paragraph 46.

[Material unrelated to testimony of witness deleted.]

Mr. DOAR. Let me say by way of explanation, Mr. Mitchell, that these are excerpts from the recording. They do not obviously purport to be the entire conversation between you and the President. The stars on the second page indicate that there were selections from two portions of the transcript, and this document was delivered by the President to Judge Sirica in response to that subpoena that was issued last July, and pursuant to the order of the court of appeals, and that Judge Sirica listened to the transcript and made this portion of the transcript of the tape or the transcript available, portion of the tape and transcript available to the grand jury. And then Mr. St. Clair, on behalf of the President, furnished the identical material to us, so that what we have here is all that has been furnished to us of this conversation.

[Material unrelated to testimony of witness deleted.]

Mr. DOAR. Then I direct your attention to Mr. Haldeman's remarks at the top of the first page of the transcript. Do you have any recollection, Mr. Mitchell, after reading that, of Mr. Haldeman saying those words?

Mr. MITCHELL. None whatsoever. This was a luncheon meeting that lasted oh, an hour and a half I guess, and the substance of it, of course, was my resignation for the personal reason that I can get into to the extent that you want, and a very lengthy discussion of who would be a successor. It had nothing whatsoever to do with the Watergate, and I am surprised the word is even in here.

Mr. DOAR. Now, going back to March 20 and 21, 1973, do you have a recollection of the purpose of the calls that you made to the various people that were listed on your log for that day?

Mr. MITCHELL. Which date are you talking about?

Mr. DOAR. 20th and 21st.

Mr. MITCHELL. And which people are you talking about?

Mr. DOAR. Well, I am talking about—we will start with the 20th.

Mr. MITCHELL. As you know, Mr. Doar, these are not logs. These are the long distance call records of the telephone company. That's the only thing I have.

Mr. DOAR. I know that, Mr. Mitchell, I am just asking you if you have any recollection after looking at those logs of the subjects about which you spoke, let us say first with Mr. LaRue on the 20th?

Mr. MITCHELL. No; I have no independent recollection of it. Of course, I have talked to Mr. LaRue frequently during that period of time about many subject matters.

Mr. DOAR. And there were two calls to Mr. O'Brien. Do you have any recollection of what you talked to Mr. O'Brien about?

Mr. MITCHELL. No; I don't because of the very same reason. We were talking about civil litigation and any number of other things during that period of time.

Mr. DOAR. Would the same be true with Mr. Parkinson?

Mr. MITCHELL. Yes. Mr. Parkinson, of course, was very actively engaged in that civil litigation, and I am sure it would have something to do with that, or the possibility of his representation of Mr. Stans in connection with the Vesco matter in New York.

Mr. DOAR. Then there were two calls to the White House. Do you have any recollection of to whom you placed those calls?

Mr. MITCHELL. You are talking about the 21st?

Mr. DOAR. The 20th first. I have been talking about the 20th.

Mr. MITCHELL. No; I have no independent recollection of that.

Mr. DOAR. Who did you customarily, in that period, communicate with in the White House?

Mr. MITCHELL. Oh, any number of people. I can name them for you. Of course it would be Mr. Haldeman, Mr. Dean, Mr. Ehrlichman, Mr. Malek and his associates who were staffing the Government, Mr. Moore, Mr. Garment, my former law partner, Miss Woods, any number of people.

Mr. DOAR. And on the 21st there were three calls to the White House.

Mr. MITCHELL. Well, in that area we had been advised by counsel for Mr. Haldeman that his logs show that at least two of these calls and possibly the third one had to do with the arrangement of transportation for my going down to Washington the next day, on the 22d.

Mr. DOAR. And those were calls in the afternoon?

Mr. MITCHELL. I would necessarily believe so.

Mr. DOAR. They would have to have been?

Mr. MITCHELL. Because of the recollection that I have that the call that—when I talked to Mr. Haldeman at sometime shortly after noon or about noon.

Mr. DOAR. Other than that, you have no present recollection of the subjects or to whom you talked to?

Mr. MITCHELL. No, Mr. Doar. As you know, from looking at these telephone long-distance calls, there were many days when there were frequently two, three, or four calls to the White House and to these other people.

Mr. DOAR. Did you talk with John Dean on the 20th or 21st?

Mr. MITCHELL. I have no independent recollection of it.

Mr. DOAR. I would like to ask you a question about another subject, and that is following the 21st did you receive a call from Mr. O'Brien asking you to arrange a meeting with him, for him with Mr. Haldeman?

Mr. MITCHELL. I can't tell you of the date, Mr. Doar, whether it was before or after the 21st, but I did receive such a call from Mr. O'Brien in this general time period; yes.

Mr. DOAR. And could you tell the committee what he asked you to do?

Mr. MITCHELL. He requested that I arrange a meeting between he, Mr. O'Brien, and Mr. Haldeman.

Mr. DOAR. And did he indicate to you what the purpose of the meeting would be?

Mr. MITCHELL. Yes, he did. And, of course, it had to do with the general subject matter of Watergate, that he wanted to discuss the matter with Mr. Haldeman.

Mr. DOAR. Would it be fair to say that he wanted to discuss the facts of life about Watergate with Mr. Haldeman?

Mr. MITCHELL. I think as a general area that would be fair to say so.

Mr. DOAR. And when you say "facts of life," what would that be?

Mr. MITCHELL. I don't know. I don't know what Mr. O'Brien's knowledge was, or what areas that he would wish to discuss with Mr. Haldeman.

Mr. DOAR. He didn't mention to you that he wanted to discuss this matter of payments and the problems with the White House horrors?

Mr. MITCHELL. I have no recollection of the specifics of that. I think it was more directed toward the total picture. At least that was the impression that I got.

Mr. DOAR. Now, did you call Mr. Haldeman and arrange it?

Mr. MITCHELL. I have a recollection of calling Mr. Haldeman and telling him of Mr. O'Brien's request. And I also have a recollection that Mr. Haldeman was, in accordance with his conversation with me, agreeable to such a meeting.

Mr. DOAR. Did you report that back to Mr. O'Brien?

Mr. MITCHELL. I don't have any recollection of it, but I could very well have.

Mr. DOAR. Did you hear anything further about it?

Mr. MITCHELL. About the meeting?

Mr. DOAR. Yes.

Mr. MITCHELL. I learned along the way, and I presume it would have been from Mr. O'Brien, that Mr. Haldeman transferred Mr. O'Brien over to Mr. Ehrlichman, and that O'Brien had the meeting with Ehrlichman.

Mr. DOAR. Now, you saw the President on the 22d of March?

Mr. MITCHELL. Yes, sir.

Mr. DOAR. And following that meeting I will ask you, did you return to the city of New York?

Mr. MITCHELL. I did.

Mr. DOAR. And when did you next return to Washington?

Mr. MITCHELL. I am not certain, Mr. Doar, but I believe it would have been the 28th of March.

Mr. DOAR. And on the 28th of March, who did you see on that occasion?

Mr. MITCHELL. If my recollection serves me right, it was Haldeman, Magruder, and Dean, if I have got the right time frame, and I think I have.

Mr. DOAR. And who arranged that meeting? Or let me ask it this way—

Mr. MITCHELL. I am not certain, Mr. Doar.

Mr. DOAR. Let me ask it another way. Did you set up the meeting?

Mr. MITCHELL. I don't recall who set up the meeting.

Mr. DOAR. Had you seen Mr. Magruder in New York on the day before?

Mr. MITCHELL. I believe so, yes.

Mr. DOAR. And do you have any recollection as to just what happened on the 28th with respect to who you saw first and how long you were at the White House, if you were at the White House?

Mr. MITCHELL. I can't give you the exact time frame. I was at the



White House. My guess would be that I would probably be there from 10:30 maybe until noontime, or somewhere in that neighborhood.

Mr. DOAR. And am I clear then that you say Haldeman, and Magruder, and Dean?

Mr. MITCHELL. That is my recollection, yes.

Mr. DOAR. Were all of these gentlemen in the meeting together?

Mr. MITCHELL. No.

Mr. DOAR. Could you just outline your recollection of how that morning developed with respect to the meeting?

Mr. MITCHELL. Well, my recollection is that I met with Mr. Haldeman, and that both of us met with Mr. Magruder, and then I met with Mr. Magruder and Mr. Dean.

Mr. DOAR. I see. And then did you see the President that day?

Mr. MITCHELL. I did not.

Mr. DOAR. Was the President in Washington?

Mr. MITCHELL. I have no idea, or I have no recollection.

Mr. DOAR. Now, after that meeting, did you return to the city of New York?

Mr. MITCHELL. Yes, sir, I did.

Mr. DOAR. And do you recall when you next came to Washington?

Mr. MITCHELL. It would be some time in the early part of April, Mr. Doar. I can't give you the exact date. It may be the 10th, but I am not certain.

Mr. DOAR. Could you tell the committee how this trip was arranged?

Mr. MITCHELL. How the trip was arranged?

Mr. DOAR. Yes. Were you asked to come to Washington or did you come?

Mr. MITCHELL. I do not recall, Mr. Doar. I was in my Washington law office, and I had a meeting with Mr. Dean. But, who asked me to see whom I can't tell you.

Mr. DOAR. I see. And then following that meeting were you just in Washington for 1 day?

Mr. MITCHELL. Yes, part of the day.

Mr. DOAR. Part of the day. Did you come back again to Washington the next few days?

Mr. MITCHELL. Well, if it was the next few days, I came back on Saturday, the 14th.

Mr. DOAR. Saturday the 14th?

Mr. MITCHELL. The 14th or 15th of April, whichever Saturday is.

Mr. DOAR. Well, I can tell you, Mr. Mitchell, that the Saturday was the 14th.

Mr. MITCHELL. Well, that was the day.

Mr. DOAR. And can you tell the committee how you happened to come to Washington that day?

Mr. MITCHELL. Yes. I received a telephone call from Mr. Haldeman, and he said that the President wanted to see me, would I come down. I said yes. I went down, went into the White House. The receptionist said that Mr. Ehrlichman wanted to see me before I went to see the President. I went to see Mr. Ehrlichman, and after the conversation with Mr. Ehrlichman I decided not to see the President and I went back to New York.

Mr. DOAR. In that conversation with Mr. Ehrlichman, where did that conversation take place?

-Mr. MITCHELL. It took place at Ehrlichman's office.

Mr. DOAR. Did you know at the time that that conversation was recorded?

Mr. MITCHELL. No; but I had a strong suspicion that it was being recorded.

Mr. DOAR. Have you had an opportunity since that time to examine that recording?

Mr. MITCHELL. No; I have not examined a recording. I have seen a purported transcript of the conversation.

Mr. DOAR. And was that purported transcript a fair and accurate summary of the content of that conversation?

Mr. MITCHELL. I don't think I have ever examined it with respect to that aspect of it, but it did cover the general subject matters that were discussed.

Mr. DOAR. Did you see anyone else on the 14th?

Mr. MITCHELL. No, sir. I saw no one else. Not Mr. Haldeman, not the President, not Dean. I saw other people walking through the White House that I knew and recognized.

Mr. DOAR. And did you speak to the President during the month of April?

Mr. MITCHELL. No, sir.

Mr. DOAR. Did you return to the White House again during the month of April to talk to either Mr. Haldeman or Mr. Ehrlichman?

Mr. MITCHELL. No, sir.

Mr. DOAR. So that just to summarize, and to be sure that we have the entire sequence of the meetings between you and the President or members of his staff, assistants to the President, counsel to the President, following a Christmas Day greeting from President Nixon, the first time thereafter that you saw him was on the morning or the afternoon of the 22d of March?

Mr. MITCHELL. That is my understanding of it, my best recollection again, of course, conforms to the information that was provided to us by the White House.

Mr. DOAR. And prior to that meeting you had a meeting in Mr. Haldeman's office with Mr. Ehrlichman and John Dean and Mr. Haldeman?

Mr. MITCHELL. Yes. And I also have a recollection that Mr. Richard Moore was in there briefly also.

Mr. DOAR. And then on the 27th of March your recollection is that you had a meeting with Mr. Magruder in New York?

Mr. MITCHELL. I believe that to be so, yes, sir.

Mr. DOAR. And on the 28th you came to Washington for the morning and met with Mr. Haldeman and later with Mr. Magruder and Mr. Dean?

Mr. MITCHELL. That's correct, sir.

Mr. DOAR. When you were meeting with Mr. Haldeman was Mr. Magruder with you?

Mr. MITCHELL. He was.

Mr. DOAR. All of the time?

Mr. MITCHELL. Oh, no.

Mr. DOAR. Did you have a private conversation with Mr. Haldeman?

Mr. MITCHELL. My recollection is that I had a conversation with Mr. Haldeman before Mr. Magruder arrived.

Mr. DOAR. I see. And then the next time you came to Washington you were at your office around the 10th of April where you had a meeting with John Dean in your office, your Washington law office?

Mr. MITCHELL. That's my recollection; yes, sir.

Mr. DOAR. And then the last meeting was on the 14th where you had a call from Mr. Haldeman telling you the President would like to see you, and when you got to Washington how did you happen to get into Mr. Ehrlichman's office?

Mr. MITCHELL. My recollection is that the receptionist at the White House had been given instructions to ask me to stop up and see Mr. Ehrlichman when I came in, and I did that directly.

Mr. DOAR. I see. And he was the only member of President Nixon's White House staff that you saw that day?

Mr. MITCHELL. Yes, sir.

Mr. DOAR. That's all of the questions I have.

The CHAIRMAN. Mr. Jenner.

Mr. JENNER. Thank you, Mr. Chairman.

Mr. Mitchell, would you tell us where you were, to the best of your recollection, when you first learned of the break-in at the DNC headquarters?

Mr. HUNDLEY. Excuse me, Mr. Chairman. I would like to pose an objection now. It is apparent to me that Mr. Jenner is now going to get into what they have put forth in their little summary, scope of testimony of John N. Mitchell, and they did interview us about this, they are going to get into what happened out in California, right after the break-in of June 17. I would respectfully submit that that is irrelevant to any matter under inquiry by this committee, and is highly prejudicial to Mr. Mitchell's right to a fair trial, because this is one of the specific allegations in the indictment. And I would like to make that objection at the outset.

Mr. COHEN. Mr. Chairman?

The CHAIRMAN. Mr. Cohen.

Mr. COHEN. Could we have a copy of the indictment available?

Mr. HUNDLEY. I have a copy.

Mr. COHEN. I would like to take a look at it.

Mr. HUNDLEY. Yes, sir. I will bring it right up.

The CHAIRMAN. The objection will be fully noted.

Is counsel suggesting that under these circumstances, while he has the right to claim the fifth amendment, under these circumstances that he is not going to interpose this?

Mr. HUNDLEY. That's correct. What I am doing is I am appealing to the Chair for a ruling on the basis of the relevancy. We are not back in the period of June 17, right after the break-in. I, of course, am not privy to all of the evidence that has been presented before this committee, but from what I read in the newspapers there is certainly no evidence that President Nixon had any knowledge or any connection with the break-in, and there is no evidence that would connect these events of June 17 with President Nixon.

The best argument I think the committee could make is that it is so remotely relevant that you want to probe. Offset against that fact is that we now have here Mr. Mitchell who is a defendant in a criminal case, and this is one of the specific allegations that we have to meet. So,

to get into this area would be highly prejudicial to his right to a fair trial.

The CHAIRMAN. Well, I would merely like to advise counsel that while he raises this objection, and interposes his objection on the basis of relevancy, and the fact that it isn't relevant, and then suggests as well that it is highly prejudicial, that the scope of this inquiry is such that what counsel may consider remote is not considered remote by this committee.

This committee has wide latitude to inquire into matters that relate to the conduct of the President of the United States, and those who were directly associated with him in the various allegations that have been before this committee. And it would appear to the Chair that while the question of prejudice may be raised in this case, that I believe that unless he interposes the other right that he may have, that this may incriminate him in that sense, then I believe that I cannot sustain that objection in the light of the authority of this committee to inquire and the evidence that is now before it, which does not have to be entirely relevant, but is necessary, and I believe that there is a pertinency.

I would, however, suggest that if counsel, who is interposing the question, might for purposes of being more sensitive to what the issues are in this matter, and I know that counsel is very circumspect, might consider the question as to whether or not it becomes necessary in this sense to establish what this committee is seeking to establish before it.

Mr. McCLORY. Mr. Chairman?

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. May I make a comment before you arrive at a final ruling with regard to this objection? It seems to me we have gone very, very far afield in connection with this inquiry, and we have got into an extensive amount of evidence and information that is very, very remote insofar as the purpose of our inquiry. And now we have had other testimony and we have gone into great detail about these conversations out in California.

I have interrogated witnesses who have appeared here before to find out whether or not there was any connection or any tie-in between their conversations and their action out there and the President of the United States, and I would think it would be incumbent on our counsel to show the relevancy and to make or give an assurance to this committee that there is some tie-in between what took place there and this inquiry or the allegations against the President.

And I don't think that—I think on the basis of that you could rule, and I would hope you would sustain the objection.

Mr. DENNIS. Mr. Chairman?

Mr. MEZVINSKY. Mr. Chairman?

The CHAIRMAN. Mr. Counsel.

Mr. JENNER. Should I respond, Mr. Chairman, to your request?

The CHAIRMAN. Yes.

Mr. JENNER. Ladies and gentleman of the committee, this is pertinent to the committee's inquiry under the resolution that the committee undertake to make an inquiry in depth, full and complete, with respect to whether the committee should recommend to the House and

the House itself then vote on the issue of whether the President of the United States, Richard M. Nixon, should be impeached.

This particular day is the day following, or the very day that the break-in at the DNC headquarters took place. It is the day, the beginning day of Watergate, and the alleged coverup that followed as to which the committee has received pertinent evidence.

It seems to me, to Mr. Doar and me, that the committee must undertake to hear evidence with respect to when the matter commenced, and the knowledge of those who participated on that day, what their knowledge is, to bring that information before the committee. It is not only pertinent, which is the word used in the resolution directed to this committee, but it is relevant in a legal and factual sense as well.

Mr. McCLORY. Could I ask counsel a question? Is there any dispute about when this occurred or the events that we are inquiring about insofar as these individuals are concerned? What I asked is what is the tie-in between what these persons are doing and the President of the United States?

I am trying to get this hearing concluded, and I know the chairman is too, and it seems to me that we are going to have to get further extensions if we are going to a lot of peripheral areas, and that's the thing that bothers me.

The CHAIRMAN. Mr. Doar.

Mr. DOAR. Mr. McClory, I want to join Mr. Jenner in the statement that he made. I don't regard the evidence that occurred on the 17th of June as being peripheral to the committee's inquiry. I think it is highly relevant.

Mr. Jenner and I have agreed that this witness will not be asked any questions that are already made a part of the record. But, in my judgment, we would be derelict in our duty to you if we did not bring these facts out with respect to the matters which you are inquiring about.

The CHAIRMAN. Well, the Chair is prepared to rule that while the objection is one that does concern us, and seeks to insure that no rights are prejudiced, nonetheless I believe that Counsel is stretching the argument quite a good deal. And all I might advise Counsel again, that Counsel has the right on behalf of his client to interpose the fifth amendment if he so desires, where he believes that he may honestly feel that Counsel for the committee, having stated the position of the committee, is such that you actually feel that you want to make that kind of an objection. Otherwise we are going to overrule the objection.

Mr. HUNDLEY. Again, Mr. Chairman, I want to state that I am not going to instruct Mr. Mitchell to take the fifth amendment because the fifth amendment runs to problems of self-incrimination. As I stated at great length, that is not the problem.

The CHAIRMAN. The Chair is aware of the argument already made, and it has been duly noted for the record. And I believe that the Chair has ruled, and the objection is overruled.

Mr. HUNDLEY. Subject then to the compulsion of this committee, Mr. Mitchell will answer the questions, and so that I need not interrupt as each specific question is asked, can I have a continuing objection to this line of interrogation?

The CHAIRMAN. You may make those objections and they will be duly noted. And I might state that this committee is under a constitutional authority and responsibility to proceed in this area.

Mr. McCLORY. If the chairman will yield just for this comment, it is my understanding that he wants a standing objection.

Mr. HUNDLEY. Yes, so I don't have to break in.

The CHAIRMAN. Fine.

Mr. HUNDLEY. And if it moves to another area that I consider objectionable, I will just state it, and then if it is agreed we will have a continuing objection.

Mr. HUNGATE. Mr. Chairman?

The CHAIRMAN. Mr. Hungate.

Mr. HUNGATE. I take it that it is a continuing nonclaiming of the fifth amendment?

Mr. HUNDLEY. That's correct, sir.

Mr. DANIELSON. I didn't quite understand. He is not claiming the fifth amendment?

The CHAIRMAN. That is correct. That has been duly stated. Please proceed.

Mr. JENNER. Thank you, Mr. Chairman.

I believe my question was, Mr. Mitchell, when did you first learn of the break-in at the DNC headquarters?

Mr. MITCHELL. Some time on Saturday, June 17.

Mr. JENNER. 1972?

Mr. MITCHELL. 1972.

Mr. JENNER. Where were you, Mr. Mitchell?

Mr. MITCHELL. I was in California.

Mr. JENNER. And where in California?

Mr. MITCHELL. Well, I was in a number of places in California.

Mr. JENNER. On that day I am talking about.

Mr. MITCHELL. Well, I was at a hotel in Beverly Hills, and then I went to a marina motel of some name, I can't tell you what it was, where there were a number of political meetings going on.

Mr. JENNER. Was that out at the airport?

Mr. MITCHELL. That's my recollection, but I can't tell you, I have been in so many of those joints.

Mr. JENNER. The hotel you mentioned first was the Beverly Hills Hotel, was it?

Mr. MITCHELL. It was a hotel in Beverly Hills, and I think that's its name; yes, sir.

Mr. JENNER. And my question was where were you on that day when you first learned of the break-in at the DNC headquarters?

Mr. MITCHELL. My recollection is that it was at that, what you have referred to as the marina motel.

Mr. JENNER. And what time of day was that?

Mr. MITCHELL. I can't say precisely, but it was probably about noon-time or shortly before noon.

Mr. JENNER. Is it your recollection, Mr. Mitchell, that at no time, at no point of time prior to that occasion at the airport motel out at the airport in Los Angeles did you receive any information from anybody or through any other means of the break-in of the DNC headquarters?

Mr. MITCHELL. I currently have no recollection of it, Mr. Jenner; no.

Mr. JENNER. From prior evidence we understand that you and associates of yours of the CRP were in California in connection with the President's Campaign For Re-election. Is that correct?

Mr. MITCHELL. That's correct, sir.

Mr. JENNER. Would you tell us who the other members, if I may use the term team, indicating who came out to California with you, who they were?

Mr. MITCHELL. There came out from Washington Mr. Mardian, Mr. LaRue, Mr. MacGregor, Mr. Porter and a couple of advance men. I can't tell you what their names are.

Mr. JENNER. Did you say Mr. MacGregor had come out with you?

Mr. MITCHELL. Excuse me. Mr. Magruder I thought I said.

Mr. JENNER. I could be mistaken. I thought that was a slip of the tongue.

Mr. MITCHELL. If I said MacGregor, it was Magruder.

Mr. JENNER. Yes; thank you. And when had that party arrived in Los Angeles on that occasion?

Mr. MITCHELL. At different times. Mr. Mardian, Mr. LaRue, and myself arrived on Friday night at some hour. I can't tell you what time.

Mr. JENNER. All right. Now, were you advised of the DNC break-in by somebody, or was it by reading something or by what means?

Mr. MITCHELL. I was advised by the people, some of the people that were in that party. I can't tell you exactly, but I would say that it was one or all of Mardian, LaRue and Magruder, possibly more than one of them.

Mr. JENNER. Is your recollection sufficient to tell the ladies and gentlemen of the committee as to who was present when you were advised?

Mr. MITCHELL. The parties that were so advising me and myself. It could have been all four of us or any combination.

Mr. JENNER. Do you have a reasonably clear recollection that you have not been advised of the DNC break-in prior to that time?

Mr. MITCHELL. I have no recollection of it.

Mr. JENNER. And your best recollection at the moment is that you were first advised of it by either or all of the gentlemen you have mentioned when you were at the airport motel at the Los Angeles International Airport?

Mr. MITCHELL. That is my recollection, Mr. Jenner.

Mr. JENNER. Is it possible that you were advised earlier, Mr. Mitchell?

Mr. MITCHELL. It is always possible; yes, sir.

Mr. JENNER. But your best recollection is it didn't come until that time?

Mr. MITCHELL. That's my recollection, because of the events of that particular day.

Mr. JENNER. All right. Prior to your going to the airport motel on that day, had you had a meeting with campaign people, that is, other than your team?

Mr. MITCHELL. Only Governor Reagan who came by the hotel and picked me up, and we drove over to the political affair at this motel.

Mr. JENNER. What time, give us your best recollection as to when Governor Reagan came by to pick you up?

Mr. MITCHELL. I am not certain, it was sometime between 9 and 10 o'clock. If it is important to the committee, I think that I probably have logs of that trip that can be provided.<sup>1</sup>

Mr. JENNER. You think the logs would show, Mr. Mitchell, when you and Governor Reagan departed for the meeting at the airport motel?

Mr. MITCHELL. Yes; I would believe so, because those types of operations were generally scheduled in advance, and the schedules would normally be reasonably kept because of the succeeding meetings with larger groups.

Mr. JENNER. That interests me and perhaps the committee. Was a schedule of that character kept for every day of your meeting out in California?

Mr. MITCHELL. Yes. I think, if my memory serves me right, there was a complete layout of the schedule that covered the three or four events that were held on Saturday, two, three, or four events that were held on Sunday, and, of course, with references to some of the principals who would have participated in them.

Mr. JENNER. Would you also have a log of the course of events on Monday, the 19th?

Mr. MITCHELL. No; because the 19th was the day set aside for my return to Washington.

Mr. JENNER. All right. Returning again to the 17th, did you have a press conference on that day?

Mr. MITCHELL. Yes, sir. It had been scheduled in advance, and it took place at the same motel in Los Angeles or wherever it is.

Mr. JENNER. I see. And what time of the day did that occur with respect to your meeting, the political meetings you have just mentioned that you had at the airport motel?

Mr. MITCHELL. I am not quite certain, Mr. Jenner, but I am sure that this log would again tell. I am not certain whether it was before or after a luncheon that was held out there at this same structure after the larger political meeting, which came first.

Mr. JENNER. I see. So that the sequence, as you recall it, is that Governor Reagan came by and picked you up with others, as the case may be, and you drove in Governor Reagan's limousine or automobile out to the airport motel?

Mr. MITCHELL. Correct.

Mr. JENNER. Then the next thing that happened was that you had a political meeting?

Mr. MITCHELL. Yes, sir.

Mr. JENNER. Would you describe that, please?

Mr. MITCHELL. It was a relatively large group. I guess 100 or 200 people, discussing the upcoming campaign at which the Governor and a number of other people and myself spoke.

Mr. JENNER. I see. And then the next event was a luncheon?

Mr. MITCHELL. That's my recollection, that the luncheon came before the press conference, but I am not certain.

<sup>1</sup> See Mitchell exhibit No. 1, p. 181.



Mr. JENNER. Well, you did——

Mr. MITCHELL. This schedule will show you.

Mr. JENNER. But I am seeking your recollection. The next event was the luncheon, so far as you know and recall?

Mr. MITCHELL. That's my recollection of it; yes.

Mr. JENNER. And the press conference followed the luncheon?

Mr. MITCHELL. That's my recollection.

Mr. JENNER. That's your present recollection. Now, had the matter of the break-in at the DNC headquarters come to your attention prior to the time that you had the press conference?

Mr. MITCHELL. Yes, sir, it had.

Mr. JENNER. Had it come to your attention prior to the luncheon?

Mr. MITCHELL. I am not certain whether it was prior or after the luncheon that I was so advised.

Mr. JENNER. Did you have a meeting with Mr. Mardian, and Mr. LaRue, and Mr. Magruder? Did I leave one out? With you?

Mr. MITCHELL. No, I think those were the three that I recall.

Mr. JENNER. All right. Did you have a meeting with them and with a press relations man by the name of Cliff Miller prior to the time of your press conference?

Mr. MITCHELL. I had a meeting with, as I say, all three or some of the Magruder, Mardian, LaRue combination. I know that Mr. Miller was present at this event. He was at that time doing, I think, volunteer press work or public information work, which is his business, for the Committee for the Re-Election of the President. And it could very well be that at some point at the motel that those four, plus myself, did meet. I know that my recollection does go to the point where Mr. Miller drove back to the Beverly Hills Hotel in the same car that I did.

Mr. JENNER. All right. Now, but you do recall that you had a meeting, participated in by Mr. Cliff Miller, Mr. Mardian, Mr. Magruder, and Mr. LaRue prior to the time of your press conference?

Mr. MITCHELL. I am not sure if Miller was there, but I did have a meeting with the others, I am certain, or some of the others. I am certain of that.

Mr. JENNER. What was the subject matter of that conference?

Mr. MITCHELL. Well, the subject matter was to advise me of the events that had taken place back in Washington at the Democratic National Committee.

Mr. JENNER. All right. Was the subject matter of your upcoming press conference also discussed on that occasion?

Mr. MITCHELL. Yes. They obviously wanted to advise me of the events back in Washington because they anticipated that I would receive questions about it at the press conference.

Mr. JENNER. And they sought to prepare you in that respect for your possible questions that might be put to you by the newspaper reporters at the press conference?

Mr. MITCHELL. They sought to advise me with respect to the information that they had on the subject matter.

Mr. JENNER. Was the subject matter also discussed at that conference as to how you should respond to questions that might be put to you by newspaper reporters respecting the break-in?

Mr. MITCHELL. I can't get into that specifically. The information that they had was, of course, very limited at the particular time, but I presume that the purpose of the conference was to advise me as to what they knew so that I would be informed on the subject.

Mr. JENNER. Mr. Mitchell, I believe my question was, was the subject matter of how you should respond to questions by newspaper reporters respecting the DNC break-in discussed?

Mr. MITCHELL. I don't have that specific recollection, Mr. Jenner. Normally in such matters, the people would inform me with respect to the information, and I would make my own determination as to how I would respond to any question that came up in the campaign.

Mr. JENNER. That may well be, Mr. Mitchell, and I don't seek to question that at all. I just wish to obtain your best recollection as to what happened on that occasion.

Mr. MITCHELL. I have so provided that to you.

Mr. JENNER. On that particular subject, and you have now furnished your best recollection in that respect?

Mr. MITCHELL. That is correct.

Mr. JENNER. Following the press conference, or by the way, were you asked any questions about the DNC break-in by any reporter during the course of your press conference?

Mr. MITCHELL. No, sir.

Mr. JENNER. Did you return, following the press conference, did you return to your hotel quarters at the Beverly Hills Hotel?

Mr. MITCHELL. Yes, sir.

Mr. JENNER. Is your recollection refreshed that you were, in fact, staying at the Beverly Hills Hotel?

Mr. MITCHELL. If that's the name of the hotel I was staying at, I was staying at the Beverly Hills Hotel. A hotel in Beverly Hills.

Mr. JENNER. Well, it's the same hotel that we discussed with you and Mr. Hundley on Sunday; is that right?

Mr. MITCHELL. The one diagonally across the street from George Murphy's home. That's the best way I can identify it.

Mr. JENNER. Well, that is the Beverly Hills Hotel. Did you return to the Beverly Hills Hotel following the press conference?

Mr. MITCHELL. Yes, sir, we did; to prepare for the evening events.

Mr. JENNER. I see. During the course of that afternoon, was the subject matter of a press release discussed by you with Messrs. Mar-dian, Magruder, and LaRue, and Cliff Miller?

Mr. MITCHELL. Yes, it was.

Mr. JENNER. And you all participated in that conference?

Mr. MITCHELL. It is my recollection, Mr. Jenner, that all of those gentlemen participated.

Mr. JENNER. And you—and you as well?

Mr. MITCHELL. Yes; I participated.

Mr. JENNER. And the subject matter of that conference was what, sir?

Mr. MITCHELL. The subject matter of that conference was a draft of a statement to be issued by me with respect to the break-in at the Democratic National Headquarters.

Mr. JENNER. And do you recall, and if you do—well, may I withdraw that, Mr. Chairman.

Would you please tell us to the best of your recollection the substance of that conference and who said what?

Mr. MITCHELL. Well, I am afraid at this late date I have no basis of doing it other than the fact that there were various comments by the individuals who participated as to the contents of the press release.

Mr. JENNER. Including yourself, Mr. Mitchell?

Mr. MITCHELL. I would believe so, yes.

Mr. JENNER. But you have no recollection at the moment as to the particular thrust of any portion of that meeting, conference?

Mr. MITCHELL. I have no—Mr. Jenner, you mean as to what individual might have recommended what or referred to?

Mr. JENNER. Yes. Yes.

Mr. MITCHELL. Referred to what? No, sir, I do not.

Mr. JENNER. Was a press release finally worked out by let me see, the four or five of you?

Mr. MITCHELL. There was a press release that was ultimately issued.

Mr. JENNER. And that was issued by you, was it not?

Mr. MITCHELL. It was issued in my name, yes. How it was issued I don't know.

Mr. JENNER. Yes. And if we want to speculate about it, it was probably taken care of by the personnel, the press relations man, Mr. Miller, so far as—

Mr. MITCHELL. I can't say that.

Mr. JENNER. Insofar as filing is concerned. Do you recall the terms of that or the wording of that press release at all?

Mr. MITCHELL. Not detail, no.

Mr. JENNER. I see. I am exhibiting to Mr. Mitchell and his counsel LaRue exhibit No. 2<sup>1</sup> which is the press release as testified to by Mr. LaRue.

[Short pause.]

Mr. JENNER. Have you read it, sir?

Mr. MITCHELL. Yes, sir.

Mr. JENNER. Thank you. Is that the press release?

Mr. MITCHELL. I believe it is, Mr. Jenner.

Mr. JENNER. Thank you. Upon your return to Washington, which I believe was on Sunday, the 18th, were you in Washington on June the 19th, Monday?

Mr. MITCHELL. Mr. Jenner, I didn't return to Washington on the 18th. I returned on Monday, the 19th.

Mr. JENNER. Oh, thank you very much.

Mr. MITCHELL. And I arrived late in the day, at 6 or 7, somewhere in that area.

Mr. JENNER. I misspoke. You were in Newport Beach on the 18th?

Mr. MITCHELL. Yes, sir.

Mr. JENNER. Did you have occasion to see Washington papers when you returned to Washington on the 19th?

Mr. MITCHELL. I have no specific recollection of it, but I doubt that's what I did.

Mr. JENNER. Mr. Chairman, I will exhibit to Mr. Mitchell, LaRue

<sup>1</sup> See p. 212, p. I.

exhibit No. 1,<sup>1</sup> which is a xerox copy of the Washington Post article appearing in the Washington Post on the 19th of June 1972.

[Short pause.]

Mr. JENNER. Would you read that, Mr. Mitchell, and the first column will be sufficient.

Mr. HUNDLEY. While he is reading it, Mr. Chairman, I really hesitate to interrupt, but as I follow this, it just is apparent to me that this whole line of interrogation has nothing to do with any subject matter under inquiry by this committee. A press release that was issued on June 17, an article in the Washington Post on the 19th, I very frankly, I just don't see any relevancy.

[Short pause.]

Mr. COHEN. Mr. Chairman? Mr. Chairman?

The CHAIRMAN. I understand you have a continuing objection though, which you have interposed, haven't you, Mr. Counsel?

Mr. HUNDLEY. Yes. I just appended a footnote to it.

Mr. COHEN. Mr. Chairman?

The CHAIRMAN. Mr. Cohen.

Mr. COHEN. Could I inquire of counsel? I believe yesterday you indicated that you requested the Watergate Committee, the Senate Committee to stay away from certain areas and they did so?

Mr. HUNDLEY. Yes.

Mr. COHEN. And I notice in looking through the indictment that there was questioning on this very subject matter which is now the subject of indictment. I wondered if you would just clarify that. They did question about the June 19 and the alleged destruction of evidence.

Mr. HUNDLEY. The Watergate Committee agreed not to ask any questions about the Vesco case because Mr. Mitchell was under indictment. I might add that from the newspaper accounts, Judge Sirica has written an opinion justifying inquiring about Mr. Mitchell about the Watergate and those hearings because Mr. Mitchell was not at that time a defendant.

Mr. COHEN. Thank you.

Mr. JENNER. Mr. Mitchell, having read that article, especially the first column and the bottom portion of the first column, I direct your attention to the quotation that appears at the bottom of that first column, which you will note, if you look at the fourth full paragraph of the press release exhibit, is a quote from that exhibit. Did that article or one in the Washington Star or the New York Times come to your attention either on the 19th or the following morning, the 20th?

Mr. MITCHELL. I have no specific recollection of it, Mr. Jenner.

Mr. JENNER. All right. Thank you.

Did you have any meeting in connection with the conducting of President Nixon's reelection campaign in the hotel at the Beverly Hills Hotel prior to Governor Reagan picking you up on the subject matter of the break-in of the DNC headquarters?

Mr. MITCHELL. I don't have any recollection of it, Mr. Jenner.

Mr. JENNER. Mr. Mitchell, do you have a recollection that Mr. LaRue came to you at approximately 9 in the morning of June 17, where you

<sup>1</sup> See p. 191, pt. I.

were in a room at a meeting in the Beverly Hills Hotel, and he signaled to you and drew you out of the room, took you in a room across the hall, and advised you of the DNC break-in?

Mr. MITCHELL. I recall having quite a few meetings with Mr. LaRue and Mr. Mardian and Mr. Magruder in a room which was across the hall from the room I was occupying, but I do not have any recollection of one on the Saturday morning.

Mr. JENNER. All right. In any event, is it your testimony that at no time prior to the time that Governor Reagan picked you up did anybody in your party or anyone else advise you of the DNC break-in?

Mr. MITCHELL. That's my current recollection, Mr. Jenner. It could have happened to the contrary, but that is my recollection, and I base that primarily upon my recollection of memory of the meeting that we had at the airport motel.

Mr. JENNER. During the course of that day, did you have a conversation with Mr. Mardian respecting his returning to Washington, D.C., vis-a-vis the DNC break-in?

Mr. MITCHELL. Mr. Mardian?

Mr. JENNER. Right.

Mr. MITCHELL. I don't recall any, Mr. Jenner. Mr. Mardian was slated to proceed with our group through the balance of the schedule that covered Saturday night and Sunday, and Mr. Mardian was scheduled to go back to Washington with me on Monday, and did so.

Mr. JENNER. Did he go back with you on Monday?

Mr. MITCHELL. Yes he did, sir.

Mr. JENNER. Did Mr. Magruder—when was he scheduled to go back?

Mr. MITCHELL. I can't say when he was scheduled to go back as he did not go to California with me, and I don't know what his plans were.

Mr. JENNER. Do you have a recollection as to when he returned to Washington?

Mr. MITCHELL. It is my recollection that he returned on Sunday, I believe.

Mr. JENNER. And what was the occasion of his returning on Sunday?

Mr. MITCHELL. As I was told, and I can't tell you by whom; Mr. Haldeman had called Mr. Magruder and suggested that he get back to Washington and find out what was going on.

Mr. JENNER. Mr. Magruder advised you of that?

Mr. MITCHELL. I am not certain, Mr. Jenner, whether it was Mr. Magruder or whether Mr. Magruder had left and somebody in the party told me.

Mr. JENNER. Have you, in fact, directed Mr. Mardian to return to Washington for the purpose of finding out further facts about the DNC break-in, and then thereafter Mr. Haldeman called and directed that Mr. Magruder go back?

Mr. MITCHELL. I have no recollection of any such discussion.

Mr. JENNER. You don't?

Mr. MITCHELL. I have a strong feeling that it didn't take place.

Mr. JENNER. That's your present recollection?

Mr. MITCHELL. That's my recollection; yes, sir.

Mr. JENNER. All right. Now, you proceeded on to Newport Beach the next day?

Mr. MITCHELL. Yes.

Mr. JENNER. That is Sunday the 18th?

Mr. MITCHELL. That is Sunday; yes, sir.

Mr. JENNER. Was the subject matter of the DNC break-in discussed by you with either or all of Messrs. Mardian, Magruder, and LaRue during the course of that day?

Mr. MITCHELL. I don't, to my recollection, recall having seen Mr. Magruder on Sunday.

Mr. JENNER. Is that true of the others?

Mr. MITCHELL. No. I can't—I can't place it, the number of functions we had. I know that there was one at noontime and one or more in the evening. I can't tell you whether or not Mardian and LaRue were with me at all of them. If we were together, I am sure that we would have talked about the DCN break-in. DNC, excuse me.

Mr. JENNER. Do you recall if you had a discussion with either or both of those gentlemen as to whether Mrs. Mitchell should be advised of the fact of the DNC break-in?

Mr. MITCHELL. I have no such recollection whatsoever.

Mr. JENNER. All right. Now, you flew back on the 19th?

Mr. MITCHELL. Yes, sir.

Mr. JENNER. That Sunday?

Mr. MITCHELL. No, that's Monday.

Mr. JENNER. Or Monday. Thank you. You arrived in Washington I assume late in the day on Monday?

Mr. MITCHELL. Yes, sir.

Mr. JENNER. And who was with you, among your party?

Mr. MITCHELL. Mr. Mardian and Mr. LaRue.

Mr. JENNER. And did you go to your apartment?

Mr. MITCHELL. I did.

Mr. JENNER. And who accompanied you, if anybody?

Mr. MITCHELL. It is my recollection that both Mardian and LaRue accompanied me, but I am not certain whether they went directly with me or whether they arrived later. But, my point is that both LaRue and Mardian were eventually at the apartment if they didn't go directly with me.

Mr. JENNER. And that occurred in the evening?

Mr. MITCHELL. Yes, sir. I would guess it would have to be sometime after 7:00.

Mr. JENNER. And present at that time were whom in addition to yourself?

Mr. MITCHELL. Well, Dean and Magruder were also there.

Mr. JENNER. So that was LaRue, Mitchell, Dean, Magruder, and Mardian, and yourself?

Mr. MITCHELL. That's correct.

Mr. JENNER. Did you have a discussion relating to the NCD break-in?

Mr. MITCHELL. Yes, sir. That was the purpose.

Mr. HUNDLEY. Excuse me, Mr. Mitchell.

Mr. Chairman, we are now into another area. We are now into another area of this meeting on June the 19th which again I submit there is no evidence that it has any connection one way or the other with President Nixon, and this meeting of June 19th is one of the specific alleged overt acts in the Watergate indictment.

The CHAIRMAN. The objection again will be duly noted, and the Chair will rule in the same manner.

Mr. Counsel.

Mr. JENNER. Yes, Mr. Chairman.

The CHAIRMAN. Might I suggest, Mr. Counsel, that in the light of these continued objections, and mindful of the fact that the Chair will overrule these objections if they are placed on the same grounds, nonetheless I would suggest to counsel that while his questioning I know is intended to bring out some matters that are pertinent to establish any kind of possible nexus here I think that if we don't rely on so narrow an area and try to get on with it, I think that we would better serve the purpose of this inquiry.

Mr. JENNER. Was there a discussion that evening among the five of you on the DNC break-in?

Mr. MITCHELL. Yes, sir.

Mr. JENNER. Was there a discussion of any other subject matter that evening?

Mr. MITCHELL. I don't recall any. That was the purpose of the meeting.

Mr. JENNER. And was there a report on that occasion from Mr. Magruder respecting any files or papers that he had?

Mr. MITCHELL. Not to my recollection.

Mr. JENNER. Did he have any files or papers on that occasion to your recollection?

Mr. MITCHELL. With him in the apartment?

Mr. JENNER. Yes; with him.

Mr. MITCHELL. I don't recall any, no, sir.

Mr. JENNER. And do you recall any discussions at that particular time in your presence with regard to the possible destruction by Mr. Magruder of files or papers that he had with him?

Mr. MITCHELL. No, sir, I do not.

Mr. JENNER. And no discussion at any time that Mr. Magruder might have a fire?

Mr. MITCHELL. No, sir.

Mr. JENNER. Did you say anything about a fire during the course of that evening?

Mr. MITCHELL. No, sir. I most assuredly did not. I was given credit for it, but I didn't deserve it.

Mr. JENNER. Was there any discussion of any statements that Mr. Lawrence O'Brien had made or was making with respect to the DNC break-in?

Mr. MITCHELL. I am sure I have no specific recollection of it, Mr. Jenner, but I am sure there would have been because it was the entire purpose of the meeting, was to be brought up to date since we had been traveling all day, as to what the developments were and what the political reaction was, and what action should be taken in the political PR field. That was the whole purpose of the meeting.

Mr. JENNER. I asked you specifically, Mr. Mitchell, whether or not you said on that occasion, in the presence of others, that you indicated, and directly to Mr. Magruder, "If you have a fireplace, you'd better have a fire?"

Mr. HUNDLEY. Just a minute, Mr. Chairman. Let me specifically

object again. Now, what Mr. Jenner has done has taken the specific language of the overt act in issue and put it as a direct question to Mr. Mitchell. I must very strenuously object to that.

Mr. BUTLER. Mr. Chairman?

Mr. McCLORY. Mr. Chairman, may I make a comment?

Mr. BUTLER. May I be recognized, Mr. Chairman?

The CHAIRMAN. Mr. Butler.

Mr. BUTLER. I think the counsel has reference to count 1, overt act 5, where it says:

On or about June 19, 1972, Robert C. Mardian and John N. Mitchell met with Jeb S. Magruder at Mitchell's apartment in the District of Columbia at which time Mitchell suggested that Magruder destroy documents from Magruder's files.

Now, Mr. Chairman, I would like to inquire of our own counsel as to whether this trip is really necessary? Do we need to go in and ask these questions in order to forward the impeachment inquiry? I don't want to jeopardize Mr. Mitchell's chance to a fair trial, and if he is guilty, I don't want the blood on my hands and this committee's hands that we have prevented an opportunity or jeopardized the trial itself. I want this trial to go forward. And I am genuinely concerned about if we are going to pursue this line of questioning, are we accomplishing anything for the purpose of this committee except to jeopardize his right to a fair trial and destroy the American people's right to have the verdict rendered in a trial.

For that reason I would like to associate myself with the objection.

Mr. McCLORY. Would the gentleman yield?

Mr. BUTLER. I would like for counsel to answer, but I will yield.

Mr. McCLORY. Well, along the same line, I just feel that the witness is not on trial here, and the witness is here, as I understand it for information to help us with our proceeding and to interrogate a witness as he comes before us on the basis that somehow he is on trial before this committee seems to me to be quite inconsistent with our role, and quite inconsistent with counsel's role in our behalf. I thank the gentleman for yielding. I don't want to interfere with an answer.

Mr. JENNER. Mr. Chairman?

The CHAIRMAN. Mr. Counsel.

Mr. JENNER. Responding to Congressman Butler's concern and Congressman McClory's concern, this is a witness who was present with respect to a meeting testified to before this committee by Mr. LaRue in some detail. Being a participant in that meeting it is regarded by Mr. Doar and me that it is our duty, having a witness before you who participated in that meeting, who was the conductor of that campaign, that there should be presented to you what testimony, to whatever extent he testifies, of what occurred at that meeting and the previous course of events that I have questioned him about for the committee at least to judge the powers of recall of the witness with respect to a course of important events.

And may I say to all of you, if you will permit me a personal reference, that for 44 years I have a record on which I yield to nobody in the United States of America, and my life is an open book professionally of protecting people and their civil rights, and their right to be protected under the Constitution of the United States.

And I have asserted it to the point that marshals have attempted to



remove me from hearings when I did protect the rights of citizens of this country, and eventually sustained by the U.S. Supreme Court on more than one occasion. And I have a great sensitivity, and if I may use his name, I would like to say there is no one in the United States of America who is more sensitive to this area than my splendid associate, John Doar, who served as head of the Civil Rights Division.

The CHAIRMAN. Mr. Doar. Mr. Doar, since Mr. Jenner has stated that you concur in this position, I would like to hear from you.

Mr. DOAR. Well, I think that I owe a responsibility to the committee to outline my judgment of why this questioning is relevant.

The CHAIRMAN. May I, before you do, Mr. Doar, say we all recognize the concern of this committee and the record of this committee to be sensitive to the rights of individuals, and especially those who are awaiting trial, and not to prejudice their rights. And the committee has been very circumspect, and the chairman and the ranking minority member have made every effort to insure that we have attempted in all of the procedures that we have adopted to insure that these rights were not violated, they are not prejudiced, and I would hope that somehow we make a stronger case for the bringing in of this type of questioning in order to insure that something that is made reference to, and is almost the same language as the indictment under which Mr. Mitchell now awaits trial, that I think that while we have an overriding responsibility to the impeachment inquiry, I think that nonetheless we have got to be very, very careful. And I would hope that we could either go on to another area or otherwise make a strong case for this kind of an argument. Otherwise I am going to sustain the objection.

Mr. MITCHELL. Mr. Chairman, I hate to butt in, but if you go back and look at the record, you will find that I already answered the question, and all of this was repetitive.

The CHAIRMAN. Mr. Doar.

Mr. DOAR. Let me confer with Mr. Jenner for a minute if I can.

Mr. SMITH. Mr. Chairman?

The CHAIRMAN. Mr. Smith.

Mr. SMITH. I would like to call the attention of the Chair, for whatever it may be worth, that in the scope of the testimony by John N. Mitchell that I have before me there is nothing in here about any meeting on June 19, 1972. And I wonder if, therefore, this line of questioning is not outside of the scope of the testimony and contrary to the rules of this committee?

Mr. SEIBERLING. Mr. Chairman, may I be heard on that?

The CHAIRMAN. I don't know that there is any need to discuss that. I believe this scope is, Mr. Smith, I think that the scope that we have here doesn't reflect the full incidence alone that would be alluded to, but—

Mr. SMITH. It doesn't reflect the date or this meeting or this line of questioning.

The CHAIRMAN. The Chair is aware of that.

Mr. SEIBERLING. Mr. Chairman?

The CHAIRMAN. Mr. Seiberling.

Mr. SEIBERLING. It seems to me that Mr. Hundley and his client have a very simple solution to this problem. The process of this committee did not compel Mr. Mitchell to testify to anything, they merely com-

pelled him to appear for the purpose of testifying. And any time during the scope of this proceeding that Mr. Mitchell feels that his testimony might result in his being a witness against himself, he may simply decline to testify on those grounds.

Mr. RAILSBACK. Will the gentleman yield? Will the gentleman yield?

Mr. SEIBERLING. Yes.

Mr. RAILSBACK. I thank the gentleman for yielding. I wonder if we wouldn't be well advised, inasmuch as objections have been raised, to have our counsel either consult with the chairman and the ranking Republican, or with all of the members outside of the presence of the people before us to indicate exactly what they expect to prove, or what the link is with our inquiry? In other words, I say that only when objections are raised.

But, it would seem to me that in, you know, this sensitive area, and I for one would be willing to accept the judgment of our chairman that there is going to be some kind of link established.

Mr. DENNIS. Mr. Chairman?

Mr. SEIBERLING. If I may just say one more word while I have the floor—

Mr. FLOWERS. Regular order.

Mr. SEIBERLING. Well, I believe that is the regular order, is it not? I feel that at the outset of this examination Mr. Hundley, in effect, took the position that for his client to testify here would compel him to be a witness against himself. But, he then turned around and said he declined to assert that position, and I feel that again we should consider the question of whether the witness shouldn't be dismissed right here and now from any further testimony, because he can't have his cake and eat it too.

Mr. McCLORY. Will the gentleman yield?

The CHAIRMAN. Before we go any further, has Mr. Doar consulted with Mr. Jenner? I would like to first, before we do that, and there may be no need, but might I suggest to Mr. Jenner in light of what Mr. Mitchell has said, and I don't recollect, my memory doesn't serve me that clearly, but is it possible to rephrase the question and avoid the repetition of further questions in that area that have already been answered and may be repetitive?

Mr. JENNER. Mr. Chairman, perhaps I can do it by way of a general question.

Mr. Mitchell, would you relate to the ladies and gentlemen of the committee, to the best of your recollection—

The CHAIRMAN. Then, Mr. Jenner, you have withdrawn the question?

Mr. JENNER. Yes, I have. I understand the committee desires that to be done.

Would you tell the ladies and gentlemen of the committee everything you can now remember that was said by you or by those who were with you that evening in the meeting in your apartment? Just the best you can.

Mr. HUNDLEY. Well, let me object again. That is another way of getting at the same vice.

Mr. MEZVINSKY. Mr. Chairman?

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. Mr. Chairman, I just want for the record this to be said. The witness is well represented by counsel, and the committee is well represented, the committee in my view, is well represented by our attorneys, and I happen to concur in our attorneys' position on this view, and I suggest that the Chair should rule, and then if anyone objects to the ruling—

The CHAIRMAN. Well, I am prepared, in the light of the present objection to overrule that objection.

Mr. JENNER. Would you answer the question, Mr. Mitchell, please?

Mr. MITCHELL. I already have, Mr. Jenner, but I will do it again. The meeting was called for the purpose of bringing myself and Mr. Mardian and Mr. LaRue, who had been traveling all day, up on to the current information with respect to the break-in at the Democratic National Committee. This was done by Mr. Magruder who had been back for a day in advance. He had consulted with the press office in the Committee for the Re-election of the President to find out what the stories were, and the thrust of the meeting after the information was obtained was to determine how it would be handled from the public relations point of view.

Mr. JENNER. Mr. Mitchell, you have now stated all you can recall in the course of the subject matter and what was said at that meeting?

Mr. MITCHELL. I have.

Mr. JENNER. All right.

Mr. DENNIS. Mr. Chairman? Mr. Chairman, may I?

The CHAIRMAN. Mr. Dennis.

Mr. DENNIS. I would like to know if the witness would tell us what was said? I understand the purpose of the meeting? And I understand that after you got the information the discussion was how to handle it from a public relations point of view. But, what I would like to know is what information was given you, what did Mr. Mardian say to you, what did you say to him, and so forth?

Mr. MITCHELL. Mr. Dennis, I have no recollection of the specifics of it after over 2 years.

Mr. DENNIS. Well, the gist of it. You must know generally what he told you?

Mr. MITCHELL. Well, he brought us up to date with what information was available.

Mr. DENNIS. OK. What was the information?

Mr. MITCHELL. Well, I want to point out—

Mr. FLOWERS. Regular order.

The CHAIRMAN. Mr. Dennis—Mr. Mitchell, you need not answer now. Mr. Dennis, you will have an opportunity at the time when members are allowed to question.

Mr. JENNER. Mr. Chairman, I have one last question.

Mr. Mitchell, on the 17th and thereafter during the period that Mr. Doar has asked you about, and I have asked you about, were you concerned about the fact of the DNC break-in, the effect hereof on President Nixon's campaign for re-election?

Mr. MITCHELL. Yes, sir, I was.

Mr. JENNER. I have no more questions.

The CHAIRMAN. Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman. Mr. Mitchell, directing your attention to the period at the end of March, early April 1972, do you recall a meeting with the President of the United States on or about April 4, 1972?

Mr. MITCHELL. I would have no independent recollection of it as having occurred on that date. I have read in the newspapers the fact that you submitted information of a transcript up here, and that has refreshed my recollection to the point that I identified it as a meeting that I did have with the President.

Mr. ST. CLAIR. Did that meeting take place upon your return from a visit in Key Biscayne, Fla.?

Mr. MITCHELL. Yes, sir.

Mr. ST. CLAIR. During the course of that visit in the Key Biscayne, Fla., did you have a meeting with one or more individuals discussing the matters relating to the forthcoming campaign?

Mr. MITCHELL. I did; 2 days.

Mr. ST. CLAIR. Was there any discussion at that meeting in Florida with respect to intelligence operations of the committee?

Mr. HUNDLEY. Excuse me just a minute, Mr. Chairman. Mr. St. Clair is now getting into the area of what was discussed at the March 30 meeting in Key Biscayne. That, of course, is the meeting where the Government alleges that either authorization was or was not given by Mr. Mitchell at that time, although that is not specifically charged in the indictment.

Of course, that would be a critical part of our defense, that we did not authorize that bugging at that time. I don't see any connection here between what happened on March 30, Key Biscayne, and any matter under inquiry by this committee. And so on those grounds I would object to this line of interrogation.

Mr. ST. CLAIR. Mr. Chairman, may I respond?

The CHAIRMAN. Mr. Counsel.

Mr. ST. CLAIR. I have not yet, nor do I intend to ask questions, unless it becomes more appropriate, as to what that conversation was. I simply want to identify whether or not that subject matter was discussed.

The CHAIRMAN. Does counsel still object on that point alone?

Mr. HUNDLEY. Just my general objection as I stated in the beginning of the hearing.

The CHAIRMAN. We will overrule the objection.

Mr. ST. CLAIR. Thank you, Mr. Chairman. I don't know that I got your answer, sir.

Mr. MITCHELL. You haven't yet. There was not a general discussion, but the subject was briefly touched upon.

Mr. ST. CLAIR. Thank you, sir. When you returned from Key Biscayne, as you have said, you did have an occasion to meet with the President of the United States?

Mr. MITCHELL. Yes, sir.

Mr. ST. CLAIR. And is it your best memory that it was on or about April 4, 1972?

Mr. MITCHELL. I believe that I can say that it was, based on an entry in my log, that showed a meeting of myself and Mr. Haldeman, and it provided, while the entry doesn't show the entry with the President, we proceeded from Mr. Haldeman's office to the President's office.

Mr. ST. CLAIR. Would you tell the members of this committee whether or not, sir, any discussion took place in your meeting with the President of the United States concerning surveillance or intelligence operations of the Committee to Reelect?

Mr. MITCHELL. None whatsoever.

Mr. ST. CLAIR. Was there any discussion of any such operations in connection with anything? That's a very bad question. Let me withdraw it.

Was there any discussion whatsoever of intelligence operations period?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. Thank you. Now, sir, directing your attention to the events of March 20, 21, and 22 of 1973, specifically the events of March 21, of 1973, do you recall receiving a telephone call from Mr. Haldeman on that day inviting you or requesting your attendance in Washington?

Mr. MITCHELL. Yes, sir.

Mr. ST. CLAIR. All right. During the course of that conversation did Mr. Haldeman in any form of words discuss the payment or prospective payment of moneys to Mr. Hunt or his attorney for legal fees?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. Was there any discussion in any form of words regarding any payments of any kind to Mr. Hunt in that conversation?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. And of that you are quite certain?

Mr. MITCHELL. I am quite certain.

Mr. ST. CLAIR. Now, sir, on that same day, and you testified it was before Mr. Haldeman called you requesting your coming to Washington, you did receive a call from Mr. LaRue?

Mr. MITCHELL. It is my testimony, Mr. St. Clair, that I had received a telephone call from Mr. LaRue, which to the best of my strong recollection was before I talked to Mr. Haldeman and whether it was on the 21st or prior to that time I am not certain.

Mr. ST. CLAIR. As I understand—

Mr. MITCHELL. I have no way of determining it.

Mr. ST. CLAIR. As I understand it, you have examined your telephone records and are satisfied that you did not place a call to Mr. LaRue on March 21, is that correct?

Mr. MITCHELL. There is no record on the basis of the toll charges furnished by the telephone company which shows any call from my office to Mr. LaRue on March 21.

Mr. ST. CLAIR. There are records that would show calls placed from your office to Mr. LaRue on other occasions, are there not?

Mr. MITCHELL. Many.

Mr. ST. CLAIR. Do you know of any reason why, if a call was made by you to Mr. LaRue on the 21st, specifically prior to your talk with Mr. Haldeman, it would not appear in your telephone records?

Mr. MITCHELL. No, sir. I have no such knowledge.

Mr. ST. CLAIR. Is it your best memory that the call or that the discussion you had with Mr. LaRue on the 21st, or as you say perhaps earlier, was initiated by Mr. LaRue and not by you?

Mr. MITCHELL. Yes, sir.

Mr. ST. CLAIR. Now, sir, Mr. LaRue reported to you in the course of this telephone conversation something concerning requests or demands being made by Mr. Hunt, is that correct?

Mr. MITCHELL. Mr. St. Clair, I am not certain whether it was Mr. Hunt or Mr. Bittman, on behalf of Mr. Hunt, but it was one or the other.

Mr. ST. CLAIR. Mr. Bittman you understood was Mr. Hunt's lawyer?

Mr. MITCHELL. Yes, sir. I was aware of that.

Mr. ST. CLAIR. Now, sir, during the course of that conversation did you make any inquiries of Mr. LaRue regarding past practices, to the best of your knowledge?

Mr. MITCHELL. The subject matter was discussed, and it is my recollection that I raised the question in connection with the current problem that he was presenting to me, had there been previous current, relatively current, payments made. So my answer is yes.

Mr. ST. CLAIR. And his response to you, sir, in substance was what on that subject?

Mr. MITCHELL. That there, that there were no details but yes, they had been making payments to Hunt and/or Bittman.

Mr. ST. CLAIR. Did Mr. LaRue in any form of words indicate to you that the matter under consideration related to counsel fees and not for any other purpose?

Mr. MITCHELL. It is my recollection that the counsel fees was the subject matter because of the infusion in the conversation of Mr. Bittman's name. What else might have been discussed in that area I have no recollection.

Mr. ST. CLAIR. Do you recall that the amount under consideration was \$75,000?

Mr. MITCHELL. I am not certain, Mr. St. Clair, because I have heard so much about it since. But, it would be my recollection that the sum of \$75,000 was discussed.

Mr. ST. CLAIR. Do you recall any mention being made to you by Mr. LaRue of a sum of \$135,000 or alternatively the sum of \$120,000?

Mr. MITCHELL. I have no recollection of it, no.

Mr. ST. CLAIR. Do you recall any conversation whatsoever regarding living expenses for Mr. Hunt?

Mr. MITCHELL. I have no recollection of it, but I can't preclude it, the possibility of it.

Mr. ST. CLAIR. Did you know Mr. Hunt?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. Have you ever met Mr. Hunt in your life, to your knowledge?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. Did you know that he worked for Mr. Liddy?

Mr. MITCHELL. I learned obviously along in the end of June of 1972 that he had worked with Mr. Liddy, yes.

Mr. ST. CLAIR. Now, sir, have you told us all that you can recall of the conversation that you had with Mr. LaRue on or about March 21 on the subject matter of payments to Mr. Hunt or for his benefit?

Mr. MITCHELL. You are talking about the telephone conversation?

Mr. ST. CLAIR. That's correct.

Mr. MITCHELL. Yes, sir. My testimony yesterday gives my full recollection of the subject matter.

Mr. ST. CLAIR. Did you, sir, communicate with the President of the United States following that conversation and discuss with him the subject matter of it in any form of words?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. Did you ever discuss the subject matter of that conversation with the President of the United States?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. Now, sir, you did come to Washington the next day?

Mr. MITCHELL. I did.

The CHAIRMAN. This is a good time to break. We will break for 10 minutes anyhow.

[Short recess.]

The CHAIRMAN. We will resume and we will proceed until the first quorum call and then we will recess until 2 o'clock.

Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

According to your records furnished by the telephone company, you did have a number of telephone calls with Mr. LaRue and others on March 20 and on dates previous to that, did you not?

Mr. MITCHELL. Yes, sir.

Mr. ST. CLAIR. Did any of those telephone calls with Mr. LaRue, to your knowledge, deal with the subject matter in any form of words of payments of legal fees to or for the benefit of Mr. Hunt?

Mr. MITCHELL. Not in this time frame, Mr. St. Clair.

Mr. ST. CLAIR. Were there other matters then currently under discussion between you and Mr. LaRue?

Mr. MITCHELL. Yes, sir. Many.

Mr. ST. CLAIR. And did they relate, as you may have told us in part at least, to the civil litigation?

Mr. MITCHELL. Yes, to some extent. But, I think my answer, Mr. St. Clair, that they related more to the disposition of the then existing Committee for the Re-Election of the President, which was winding down, and there were various matters that had to be disposed of vis-a-vis the Finance Committee. There were computerized materials to be disposed of and matters along these lines.

Mr. ST. CLAIR. Your records also indicate, according to my notes, calls, your records again meaning the telephone company records, calls to Mr. O'Brien?

Mr. MITCHELL. Yes, sir.

Mr. ST. CLAIR. What if any relationship did Mr. O'Brien have as of March 20 and previous thereto to the Committee To Re-Elect?

Mr. MITCHELL. He was one of the counsel for the Committee To Re-Elect the President and also to the Finance Committee.

Mr. ST. CLAIR. Did you at any time in the course of the telephone calls discuss the subject matter of payments to or for the benefit of Mr. Hunt in any form of words?

Mr. MITCHELL. Not in this time frame.

Mr. ST. CLAIR. What do you mean, sir, by not in this time frame?

Mr. MITCHELL. I am talking about the month of March or February.

Mr. ST. CLAIR. Previously thereto?

Mr. MITCHELL. Previously thereto.

Mr. ST. CLAIR. Thank you. Now, your records indicate calls to the White House, so-called general White House number, I take it?

Mr. MITCHELL. Yes, sir; to the 1414 number.

Mr. ST. CLAIR. Right. Did any of those calls, in any way, relate to the subject matter of payment of Hunt's attorneys fees?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. On or before March 20?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. Did you in the course of any of those calls talk with the President of the United States on that subject matter?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. You are familiar with the terms of the indictment that has been returned against you and others I take it?

Mr. MITCHELL. Generally.

Mr. ST. CLAIR. And if in that indictment it states that in the early afternoon you had a discussion with Mr. LaRue concerning the payment of Hunt's attorney's fees, I take it that that does not accord with your memory?

Mr. HUNDLEY. Well, just a minute. I would like to pose the same objection to that question. He's asking a specific question now about the allegation in the indictment.

The CHAIRMAN. We will overrule the objection.

Mr. ST. CLAIR. Am I correct, sir?

Mr. MITCHELL. It does not accord with my memory, no, sir.

Mr. ST. CLAIR. And if I, in my submission to this committee, relied on that I was also in error?

Mr. MITCHELL. If you relied on it?

Mr. ST. CLAIR. The indictment?

Mr. MITCHELL. Provisions of the indictment?

Mr. ST. CLAIR. Yes.

Mr. MITCHELL. I don't know, Mr. St. Clair, whether I can judge your fault or non-fault. But—

Mr. ST. CLAIR. Well, if I stated in my submission it was also in the early afternoon I would be in error?

Mr. MITCHELL. As far as my specific recollection goes, yes, sir, you would be in error.

Mr. ST. CLAIR. Thank you.

In light of that, Mr. Chairman, I would ask leave to file an amendment to my submission just so that the record is clear.

The CHAIRMAN. You may have leave.

Mr. ST. CLAIR. And I will provide the proposed amendment to Mr. Doar this afternoon.

The CHAIRMAN. You may file that.

Mr. ST. CLAIR. Thank you.

The CHAIRMAN. I think the committee will now recess. There is a rollcall vote that is going on and the committee will recess until 2 o'clock this afternoon.

[Whereupon, at 12:09 p.m., the committee was recessed to reconvene at 2 p.m. this same day.]

#### AFTERNOON SESSION

The CHAIRMAN. The committee will come to order. At the time we recessed, Mr. St. Clair was examining or questioning Mr. Mitchell.

Mr. St. Clair, will you proceed, please?



Mr. ST. CLAIR. Thank you, Mr. Chairman. I have only a few more questions.

### TESTIMONY OF JOHN N. MITCHELL—Resumed

Mr. ST. CLAIR. Mr. Mitchell, it appears that on the afternoon of March 22, 1973, you attended a meeting at which the President was present. Do you recall?

Mr. MITCHELL. Yes, I do, sir.

Mr. ST. CLAIR. This followed a meeting in the morning between you, Mr. Dean, Mr. Haldeman and Mr. Ehrlichman, did it not?

Mr. MITCHELL. Yes, it did, sir.

Mr. ST. CLAIR. During the course of the meeting at which the President was present, in the afternoon of March 22, did you or anyone in your presence in any way make reference to a request for or a payment to or for the benefit of Mr. Hunt?

Mr. MITCHELL. No, sir.

Mr. ST. CLAIR. Now, sir, directing your attention to June 1972, did you have any prior knowledge of a plan to break into the DNC?

Mr. MITCHELL. On June—

Mr. ST. CLAIR. In June 1972. I just direct your attention to the date of the break-in, which was what, June 17th?

Mr. MITCHELL. June 17th, yes, sir. I did not.

Mr. ST. CLAIR. Did you have any prior knowledge of the plan to break into the DNC?

Mr. MITCHELL. I understood that was a question I have just answered. No, sir.

Mr. ST. CLAIR. Thank you.

Did you at some time talk by telephone with the President concerning that event?

Mr. MITCHELL. Yes, Mr. St. Clair. As I recall, there was a brief conversation between the President and myself on June 20, 1972.

Mr. ST. CLAIR. And would you relate to the committee your memory of the substance of that conversation?

Mr. MITCHELL. Well, as I recall the conversation, although it was relatively short, I don't remember how many minutes, it covered other subject matters and the substance of the conversation, as I recall it, was there was an apology on my part as campaign director on not having kept better control over personnel within the campaign organization to the point where some of them did get involved in the DNC break-in.

Mr. ST. CLAIR. What, if any, response do you recall the President making?

Mr. MITCHELL. I can't to this day tell you what the response was.

Mr. ST. CLAIR. Thank you, Mr. Mitchell.

I have no further questions, Mr. Chairman.

Mr. JENNER. Mr. Chairman?

The CHAIRMAN. Mr. Jenner?

Mr. JENNER. I am not going to ask any questions.

Mr. Mitchell stated that he had a campaign schedule in writing for the June 16-June 19 period in California<sup>1</sup> and Mr. Hundley offered

<sup>1</sup> See Mitchell Exhibit No. 1 p. 181.

to provide that.

Would you please do so, Mr. Hundley?

Mr. HUNDLEY. We have it now.

The CHAIRMAN. Will you kindly identify the document?

Mr. HUNDLEY. Wait till we find it, Mr. Chairman.

Mr. JENNER. Mr. Chairman, Mr. Hundley, if he may, will have time to look for it. I don't insist on it for the moment.

Mr. MITCHELL. Did you ask me to identify it?

The CHAIRMAN. Please.

Mr. MITCHELL. Yes. It is part of a log that was kept that I think I referred to either yesterday or today that keeps a schedule of meetings and telephone calls. This particular portion of this log is a schedule that was prepared in advance of my going to California and reflects accurately all of the things that I did and participated in by way of the programmed events. There are references as to what other people are supposed to have done at particular times, which was not carried out.

The CHAIRMAN. Is there a need for the whole document?

Mr. HUNDLEY. I was going to suggest that if Mr. Jenner would have this portion photostated, they could do it right now and we could get the original back.

The CHAIRMAN. Fine. That will serve the purpose of the committee.

Mr. JENNER. May I look at the whole book?

Mr. HUNDLEY. You may look at the whole book.

The CHAIRMAN. Thank you very much.

Mr. DOAR. We don't have any more questions.

The CHAIRMAN. Mr. Donohue?

Mr. DONOHUE. Mr. Mitchell, when you received the first notice of the break-in at the Democratic National Headquarters, you were in California, is that correct?

Mr. MITCHELL. Yes, sir.

Mr. DONOHUE. And it was first brought to your attention on June 18, is that correct?

Mr. MITCHELL. Yes, sir; Saturday, June 18.

Mr. DONOHUE. And it was brought to your attention by either LaRue, Mardian, or Haldeman, is that correct?

Mr. MITCHELL. No, sir.

Mr. DONOHUE. Who brought it to your attention?

Mr. MITCHELL. It was either LaRue, Mardian, or Mr. Magruder, or perhaps all three or two of them.

Mr. DONOHUE. Now, did they tell you who had called them in California from Washington to advise that the Democratic National Headquarters had been broken into?

Mr. MITCHELL. I am sure they did. My only recollection at the present time was that it was somebody at the Committee for the Re-election of the President.

Mr. DONOHUE. And they didn't tell you who?

Mr. MITCHELL. No, I am not saying that, Congressman. I am saying I don't have a current recollection of who the individual was.

Mr. DONOHUE. You don't recall asking them who called from Washington?

Mr. MITCHELL. I am sure they told me, but I don't have that specific

recollection. I do have a recollection it was somebody from the Committee for Re-Election.

Mr. DONOHUE. Now, you returned to Washington from that California trip on June 19?

Mr. MITCHELL. Yes, sir.

Mr. DONOHUE. And at the time that you returned and before you went to your apartment, did you learn whether or not the President was in Washington at that time?

Mr. MITCHELL. I went directly from the airport to my apartment, and I had no knowledge where the President was or was not.

Mr. DONOHUE. He had been in Key Biscayne a few days before then, hadn't he?

Mr. MITCHELL. I don't know, Congressman.

Mr. DONOHUE. Now, I think your log indicated that you did have a telephone conversation with Mr. LaRue on the 21st?

Mr. MITCHELL. The 21st of what, sir?

Mr. DONOHUE. Of March 1973.

Mr. MITCHELL. No, my log does not—I do not have a log, Congressman, for the year 1973. The documents that I have been talking from here are the toll call records of the telephone company.

Mr. DONOHUE. Now, would you refer to that document and tell us on what date that you placed a call to LaRue?

Mr. MITCHELL. You want me to give you all of them in 1973?

Mr. DONOHUE. No, in March of 1973.

Mr. MITCHELL. All of March.

Mr. DONOHUE. The call—the date of the call that you made from New York to Mr. LaRue.

Mr. MITCHELL. Congressman, I would point out that during March, there are quite a number of calls from me to Mr. LaRue. There is none shown on March 21.

Mr. DONOHUE. On what dates did you talk with LaRue in March?

Mr. MITCHELL. On March 1, March 2, March 7, March 8, March 9, March 13, March 14, 15, 20, 22, and 26.

Now, I would hasten to add, Congressman, that is a transcript of telephone calls. It is quite conceivable that my secretary, who is very friendly with Mr. LaRue's secretary, may have and probably did make a number of these calls. For instance, I point out that there is one here on March 22, and it has been established, I believe, that I was in Washington on March 22, so obviously, somebody else made the call.

Mr. DONOHUE. Now, do you recall talking with Mr. LaRue on the 20th?

Mr. MITCHELL. I have no specific recollection.

Mr. DONOHUE. But that toll call report that you received from the telephone company indicates that a call was placed from your office in New York to Mr. LaRue.

Mr. MITCHELL. To Mr. LaRue's telephone number?

Mr. DONOHUE. Yes.

Now, Mr. LaRue didn't occupy the position of treasurer of the Committee To Re-Elect President Nixon, did he?

Mr. MITCHELL. No. Congressman, there was no treasurer in the Com-

mittee for the Re-Election of the President. The only treasurer that existed in the overall picture was a treasurer of the Finance Committee for the Re-Election of the President.

Mr. DONOHUE. And that was Mr. Stans, was it?

Mr. MITCHELL. No, sir, there were a number of treasurers. Mr. Stans was the chairman. There were a number of other people who were treasurers.

Mr. DONOHUE. Well, did Mr. LaRue occupy any position with the Finance Committee?

Mr. MITCHELL. Not to my knowledge.

The CHAIRMAN. The time of the gentleman has expired.

Before proceeding further, I would like to state, and I believe it is important to state that while the Chair and the committee have heard the objections by Mr. Hundley, the Chair wants to state that in his opinion, I have absolutely no doubt that the conduct of Mr. Mitchell on and shortly after June 17, 1972, is relevant to our inquiry. This includes what Mr. Mitchell did or did not do following the Watergate break-in. This includes all conversations between President Nixon and Mr. Mitchell and other activities that are encompassed within that time; and between Mr. Mitchell and his assistants, such as Mr. Halde-  
man.

On the other hand, I would like to also note that we have a great deal of evidence on record already before us, and I would hope that the members of the committee would recognize that we have this material already before us and that we do not replot ground that we have already covered. I think it would be in the interest of this inquiry and in the interest of not in any way prejudicing the rights of Mr. Mitchell if we were to adhere to this kind of advice on the part of the Chair.

Mr. Hutchinson.

Mr. HUTCHINSON. No questions.

The CHAIRMAN. Mr. Brooks?

Mr. BROOKS. No questions, Mr. Chairman.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. Mitchell, earlier, I handed to your counsel a transcript of the June 30, 1972, taped conversation in which you, Mr. Haldeman, and the President were involved. Drawing your attention to that, there is a reference in the first paragraph, in the statement by Mr. Haldeman, to the surfacing on the Watergate caper type of thing. Would you tell us what "Watergate type of thing" or what "Watergate caper" was referred to in that conversation as you understood it?

Mr. MITCHELL. Mr. McClory, the substance of the meeting, of course, had to do with my resignation as campaign director of the committee. That was brought about because of the difficulties that I was having with my wife at the particular time. You have all read, I presume, or heard of the so-called events out at the Newporter Inn where the people who were with her at the time got into an altercation with her, and so forth, and so forth. The only thing that I can attribute to this subject matter here is that they were using this reference to Watergate as a comparison to the stories that were coming out and had come out, basically through Helen Thomas, whom my wife was talking to on the telephone.

Mr. McCLORY. The reference on the next page to "Westchester Country Club with all the sympathy in the world," does that also help explain—

Mr. MITCHELL. The whole context of it after that, Mr. McClory, puts it in the context of the total conversation that was taking place. After Mrs. Mitchell came back from Newport, Calif., she went to the Westchester Country Club and was recuperating up there.

Mr. McCLORY. Now, when the President says on that same page, "If it is a surprise, otherwise, you are right, it will be tied right to Watergate" and so on—when he is referring to "it," he is referring to your wife's actions or conduct—

Mr. MITCHELL. The activities that took place out there and the basis for the resignation. If you will have your staff check the press at the time, you will learn the whole substance of it.

Mr. McCLORY. Then in the President's final statement, where he refers to "Martha's not hurt," that also confirms what you are telling the committee, does it?

Mr. MITCHELL. Very much so, Mr. McClory. I know that Judge Sirica has decided not to turn over substantial portions of these tapes, or this particular tape, to various parties—I am not quite sure. But I have a very strong feeling that one of the reasons was the delicate discussions we had had about certain aspects of my wife's condition at that—

Mr. McCLORY. You were not talking about concealing any material relative to Watergate?

Mr. MITCHELL. No, in no way.

Mr. McCLORY. Referring to the conversation on March 22, 1973, in which you were present and the conversation took place between the President and you and others, and that was on the afternoon of March 22, the President made reference to stonewalling and taking the fifth amendment, and then he also stated, "And I would particularly prefer to do it that other way if it is going to come out that way, anyway."

Do you recall that conversation? Have you seen that transcript?

Mr. MITCHELL. I have seen two transcripts on it, Mr. McClory. One was the transcript the President put out; another one was the transcript that the Special Prosecutor's Office provided us. They are in complete contradiction on some of those facets of it. Excuse me, you had a question.

Mr. McCLORY. What was the agreement, if any, that was reached at that time, if you recall? Or were you exploring various alternatives? Explain what, if anything, was decided and done as far as you understood it in your conversation with the President?

[Material unrelated to testimony of witness deleted.]

Mr. MITCHELL. Among the other conversations that took place there at the particular time had to do with the President's posture on executive privilege. If you recall, the Gray hearings were going on where this had been invoked. The President had put a statement out on the subject matter. Our discussion of the morning with Haldeman, Ehrlichman, Dean, and myself to the extent that the people were all there at the time, dealt with this problem of executive privilege and the bad press that the President was getting on the subject matter. The substance or the nut of the conversation that we had with the

President was that he was taking a beating on the whole picture because of his stand on executive privilege. And it was my recommendation that he get off that wicket, that he get to the point where he didn't take the hard line stand that had been provided in the statement on executive privilege that had been prepared for him, and with respect to—we were then talking about the select committee and the prospective hearings—that there be negotiated a posture where the President could get off the executive privilege hard line he was on and work out an agreement relationship with the committee and a formulation.

He talked to Mr. Kleindienst on the telephone on the subject matter during that conference that we had. It was discussed at great length as to how people from Mr. Kleindienst's office and the White House would meet with Senator Baker and Senator Ervin to work out an arrangement for the conduct of the hearings at the Select Committee.

Mr. McCLORY. Thank you, Mr. Chairman.

The CHAIRMAN. According to your time.

Mr. McCLORY. Do I still have time?

The CHAIRMAN. No, no, we went way beyond the 5 minutes.

Mr. Kastenmeier.

Mr. KASTENMEIER. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Smith?

Mr. SMITH. Thank you, Mr. Chairman. I just have two questions, I think.

Mr. Mitchell, on March 30, 1972, I think you testified that you were at Key Biscayne with some of the people involved in the campaign and you discussed the campaign there and the subject of intelligence, of an intelligence operation, was touched on briefly, I think you testified.

Mr. MITCHELL. Yes, sir.

Mr. SMITH. Was the President at Key Biscayne at that time on March 30, 1972?

Mr. MITCHELL. I have no idea, really, Mr. Smith. It seems to me the President was in China; was not he?

I am not certain, but I really don't know. Let me say if he was there during that period of time, I didn't see him.

Mr. SMITH. If he was there, you didn't see him?

Mr. MITCHELL. I did not see him or talk to him.

Mr. SMITH. And you didn't talk to him?

Mr. MITCHELL. No, sir.

Mr. SMITH. I think you testified that on March 21, 1973, or possibly it was March 20, 1973, when Mr. LaRue called you to ask you what he should do with regard to Mr. Hunt's attorney's fees, I think you testified that you asked him if previous payments had been made for Hunt's attorney and LaRue said yes. And then you said, "Well, if I were you under those circumstances, I would go ahead and pay the amount."

Is that a correct statement of your testimony?

Mr. MITCHELL. Yes, with two slight variations. No. 1, it was a question more in the frame of what would I do if I were he; and secondly, I am not sure who introduced into the conversation the fact that he had been making a number of previous payments.

Mr. SMITH. Well, this is what I want to ask you about, because I think at one place in your testimony, you said that you knew that previous payments had been made.

Mr. MITCHELL. Oh, yes, going back long before that, Mr. Smith. I was trying to be responsive to the timeframe in which he was discussing the matter during that telephone conversation.

Mr. SMITH. Well, I think you did testify again that you asked whether previous payments currently had been made.

Mr. MITCHELL. That was the, my understanding of the conversation. I was not aware what had just previously taken place for a number of months, I guess.

Mr. SMITH. But you did know that originally, payments had been made for Hunt's attorneys' fees?

Mr. MITCHELL. Yes, I did.

Mr. SMITH. Thank you very much.

The CHAIRMAN. Mr. Edwards?

Mr. EDWARDS. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Sandman?

Mr. SANDMAN. Mr. Mitchell, you have testified, again following up Congressman Smith's question, of your call from Mr. LaRue which was on March 21st or March 20th, where he made a request of your judgment as to what to do. Was that your first conversation with LaRue in regard to the payment of moneys?

Mr. MITCHELL. In what time frame, Mr. Sandman?

Mr. SANDMAN. Well, in any time frame?

Mr. MITCHELL. No. I am sure that somewhere between the fall of 1972 and March of 1973, I had learned, and conceivably from Fred LaRue, that these payments were being made.

Mr. SANDMAN. Let me ask it this way: Did he request your judgment at any prior time on a payment of money for attorneys' fees to any of these defendants?

Mr. MITCHELL. I have no recollection as such, Mr. Sandman. Mr. LaRue had started on this endeavor before I knew about it. I think that the reason for his request for my judgment, as you put it, was the fact that he had been told by John Dean with whom he had been working on the subject matter that the White House was out of the money business, or words to that effect. He had obviously been cooperating with Mr. Dean before then.

Mr. SANDMAN. Did you give any advice to any other person to pay any moneys out of any funds for the attorneys' fees or support of any of the defendants?

Mr. MITCHELL. Advice to people to pay?

Mr. SANDMAN. Yes.

Mr. MITCHELL. No, sir.

Mr. SANDMAN. In regard to any of the defendants in the Watergate case?

Mr. MITCHELL. None whatsoever.

Mr. SANDMAN. I have no other questions.

The CHAIRMAN. Mr. Hungate?

Mr. HUNGATE. Thank you, Mr. Chairman.

Mr. Mitchell, as I recall, you stated regarding June 17th that you first heard of this sometime in the afternoon of the break-in of the DNC. Did I understand that correctly?

Mr. MITCHELL. No, I place it about noon or shortly before noon at this airport marina hotel.

Mr. HUNGATE. Relying on my memory, now, it seems to me that I read or heard Mrs. Mitchell on television state that there was a call early in the morning on the 17th from the White House. Do you recall such a call?

Mr. MITCHELL. No, Congressman. There, I am sure, was no such call. This is probably a misunderstanding or—let me say that on, I believe it was Sunday, John Ehrlichman called me and she may have confused that with a call on Saturday, and so forth.

Mr. HUNGATE. All right, thank you.

Now, when did you first learn of the first entry into the DNC, which I think was indicated to be in May sometime. Do you know when you first heard of that?

Mr. MITCHELL. According to the restructuring of this from my logs, it was probably on June 22d.

Mr. HUNGATE. June 22d when you learned of the earlier entry that had also been made?

Mr. MITCHELL. When I learned a great deal more about this picture, yes.

Mr. HUNGATE. And did you at that time discuss it with the President?

Mr. MITCHELL. No, sir.

Mr. HUNGATE. Your testimony has been here about a call from Mr. Haldeman, as I recall it, on March 21st, that you were in New York, I think—

Mr. MITCHELL. Yes, sir.

Mr. HUNGATE [continuing]. At the time. Was there one call from him to you or more than one call between you and Mr. Haldeman that day?

Mr. MITCHELL. Well, I can't place it, Congressman. My recollection is there was one call which had to do with my going to Washington to meet with the President the next day. I have a very distinct recollection that he wanted me to come down that afternoon. I told him that I could not, that I could make it the next day.

There may have been a call back to confirm that the next day was all right.

Mr. HUNGATE. In the TT and TF thing, there might have been a telephone to and a telephone from, possibly?

Mr. MITCHELL. Yes; plus the counsel for Mr. Haldeman advises that his records show that there was also a call to arrange transportation from the airport. So that could explain some of his calls.

Mr. HUNGATE. Somewhere in the earlier testimony, and I think we were talking about this same time frame—March 21st or 22d—that there was no record of a call, or do I have the right date, that you have no records of making a call, to Mr. LaRue, for example?

Mr. MITCHELL. On March 21st.

Mr. HUNGATE. March 21st.

There was some statement made earlier, I think, about a change in the telephone recordkeeping system, that when you were Attorney General, your staff set up a system, and then unknown to you—correct me if I am mistaken—unknown to you, they continued that system when you went back to private life?



Mr. MITCHELL. Yes; through 1972, when I was devoting some time not only to my law practice but also to the campaign for the President, the logs were kept—that document we just furnished—that shows calls coming and going. Beginning in January 1973, we dropped that system and went to the law practice system.

Mr. HUNGATE. Was there a changeover period? That is what I am really getting to? Would there be a gap in there when you went from one system to another?

Mr. MITCHELL. I don't believe so. I think the record shows it started on January 1, 1973.

Mr. HUNGATE. Did you, on June 17, 1972, in California meet with Acting Director of the FBI Patrick Gray?

Mr. MITCHELL. No, sir.

Mr. HUNGATE. You have no recollection of any such meeting?

Mr. MITCHELL. I am positive that I did not meet with him, because the circumstances were such that Mr. Gray was at the Newporter Inn on the weekend, which would have been the 17th and 18th—I don't know what period of time he was there. I arrived at the inn late that night and left early the following morning. But I was told by either Mardian or LaRue that they had bumped into him in the bar or swimming pool or someplace at the Newporter Inn. I did not meet with him.

Mr. HUNGATE. Were you in a chauffeur-driven limousine at the time when you arrived?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Railsback?

Mr. RAILSBACK. Does the gentleman want to continue?

Mr. HUNGATE. If the gentleman would yield for 1 minute.

Mr. RAILSBACK. I yield to the gentleman.

Mr. HUNGATE. Thank you.

You answered you were in a chauffeur-driven limousine?

Mr. MITCHELL. Yes.

Mr. HUNGATE. Was there a pool at that motel?

Mr. MITCHELL. Yes, quite a way from where I was staying. There is a series of villas out back—

Mr. HUNGATE. I just wanted to get a pool. Would your chauffeur have been sent to look for Mr. Gray?

Mr. MITCHELL. Absolutely not.

Mr. HUNGATE. Did anyone speak to you while you were sitting in the limousine before you got out, do you recall?

Mr. MITCHELL. No, sir; the limousine drives past the hotel, down a road, through the golf course to the back of the villa that I was staying in.

Mr. HUNGATE. And if someone said they did, then they are simply mistaken as far as you are concerned?

Mr. MITCHELL. Very, very much so.

Mr. HUNGATE. Thank you.

Thank you very much, Mr. Railsback.

Mr. RAILSBACK. Mr. Mitchell, again I would like to call your attention to March 22, the afternoon, and refer to what Mr. McClory had asked you earlier. And just to save time, this is a reference to that conversation where allegedly, the President said: "I want you all to stone-

wall it, let them plead the fifth amendment, coverup or anything else, if it'll save it—save the plan. That is the whole point. On the other hand”—this is, incidentally, what the newspapers didn't see fit to emphasize in this morning's editions. He says:

On the other hand, uh, uh, I would prefer, as I said to you, that you do it the other way. And I would particularly prefer to do it that other way if it's going to come out that way anyway. And that my view, that, uh, with the number of jack-ass people that they have got that they can call, they are going to—the story they get out through leaks, charges, and so forth, and innuendos, will be a hell of a lot worse than the story they are going to get out by just letting it out there.

What did that mean to you and what was the President referring to as far as the plan?

Mr. MITCHELL. The only subject matter that was discussed in this context was the relationship of the people in the White House vis-a-vis the Ervin, the special select committee.

Mr. RAILSBACK. Was he telling you, in effect, to feel free to talk or feel free to respond in an open manner? Is that what he was saying to you, do you think?

Mr. MITCHELL. Are you talking about me personally?

Mr. RAILSBACK. Yes.

Mr. MITCHELL. The conversation was very clear that there was—talking about the special committee and who could be subpoenaed, who could not, that the only question that was before the House was the people in the White House and the question of executive privilege.

As far as I was concerned, I knew that I was going to be called before the select committee. I was the one that was trying to get the President off the wicket of this hardlining of the executive privilege based on the statement that he had put out.

I don't know what transcript you are reading from, because I have never seen this language.

Mr. RAILSBACK. This is the committee's March 22 afternoon conversation, a transcript of that.

Mr. MITCHELL. Is the committee's transcript different from the special prosecutor's transcript? I have never seen any of your transcripts.

Mr. RAILSBACK. I have not seen—this should be—well, I don't know. I can't answer that.

Let me just, in my remaining time, ask one other question that I think is very important. Again, the President is speaking, and this is just following that reference that I just made.

The PRESIDENT. I don't know. But that's, uh, you know, up to this point, the whole theory has been containment, as you know, John.

MITCHELL. Yeah.

PRESIDENT. And now, now we are shifting, as far as I am concerned, actually from a personal standpoint, if you weren't making a personal sacrifice—it's unfair—Haldeman and Dean. That is what Eisenhower—that is all he cared about. He only cared about—Christ, “be sure he was clean.” Both in the fund thing and the Adams thing. But I don't look at it that way. And I just—that is the thing I am really concerned with. We are going to protect our people, if we can.

Now, what did the President mean and what did you mean by containment, where he says “The whole theory has been containment, as you know, John”—speaking to you. And you say “Yeah.”

What's meant by containment?

The CHAIRMAN. The time has expired, but Mr. Mitchell, you may answer the question.

Mr. MITCHELL. Excuse me just a minute. Counsel seems to have the transcript.

Mr. Railsback, here again, we were talking about containment insofar as the people that were going up to or were going to be called up to testify at the special committee and the grand jury, and I think that, as counsel has pointed out, the language at the top of the next page is in further evidence of that understanding and concept of it.

Mr. RAILSBACK. Well, does containment mean limiting the information that will be divulged? As I understand, you were urging that it be divulged.

The CHAIRMAN. The time of the gentleman has expired. But you may answer the question.

Mr. MITCHELL. Yes; I was. I was, but also, if you read the total transcript, I was saying that the people should go up there, but there were bases for negotiation with the committee and its personnel as to how and under what circumstance they would appear, so that it didn't become, as I think the transcript says, a roman circus like the Kleindienst and the Gray hearings.

That is the thrust, I think, of the conversation.

The CHAIRMAN. Mr. Conyers.

Mr. CONYERS. I will yield to Mr. Railsback for a question.

Mr. RAILSBACK. Thank you. I would just like to pursue this.

As I understand your answer, it seems to me what you are saying is that up until—according to the President—up until this time, there had been a theory of containment, which is the opposite of what you were suggesting be done, which is to kind of open up, and that worry about asserting executive privilege and so forth. But up until that point, apparently, there had been some kind of a plan or a—yes, a—program of containment, which means that they were not, they were to limit the information that would be made available, or at least do everything the opposite of opening up.

Mr. MITCHELL. Well, if anybody had a plan, I didn't understand it as such, because my conversations went to the discussion of executive privilege. And as I said here earlier, the President was taking a hell of a beating in the press. They were calling it a coverup and all the rest of it, in connection with the Gray hearings, where I think, if my memory serves me right, he had stated that he would not allow John Dean to go and testify in the Gray hearings. Then he came out with the statement on executive privilege, which was very, very hard; he was not going to let anybody testify any place.

Mr. RAILSBACK. So you think that is what he means by the "up to this point, the whole theory has been containment, as you know, John."

You think he is just limiting it to that business about executive privilege?

Mr. MITCHELL. I don't think there is any doubt about it and I think there is other language in the transcript that I have read that bears that out.

Mr. RAILSBACK. I thank the gentleman for yielding.

Mr. CONYERS. Now, Mr. Chairman, I am going to waive my time; because 5 minutes would not even begin to permit me to deal with the incredible testimony made by this witness, the former Attorney General of the United States. I am deeply shocked and disturbed about the

nature of the statements made here today in view of the evidence and testimony that this committee itself has in its own possession. For those reasons, I waive any right to question this witness.

The CHAIRMAN. Mr. Wiggins.

Mr. WIGGINS. Mr. Mitchell, would you please refer to the telephone records in your possession?

Mr. MITCHELL. Are we talking about 1973?

Mr. WIGGINS. Yes, sir, the Bell Telephone records from New York.

Mr. MITCHELL. Yes, sir.

Mr. WIGGINS. Do those records indicate on their face the time that a call was logged out?

Mr. MITCHELL. No, sir, they do not. They are just the customary toll call bills—or records taken from those toll call bills.

Mr. WIGGINS. They do, however, indicate the length or duration of the telephone calls?

Mr. MITCHELL. Not the record that I have here, but I presume that the records back in the office would.

Mr. WIGGINS. You don't have the original records before you?

Mr. MITCHELL. No, sir; I just have a compilation, because, as you are probably familiar with a toll call bill from the telephone company, it just provides a number and so forth. We had to go back and structure from the numbers and see who the numbers belonged to.

Mr. WIGGINS. I understand. Now, I would like to call your attention to the date of June 22, 1972.

Mr. MITCHELL. Yes, sir. What I was looking for is my log that covers the day.

Mr. WIGGINS. Perhaps I can refresh your memory as to the events that I am interested in.

On or about that day, did you have a conversation with Mr. Mardian and Mr. LaRue at which they told you of a prior conversation they had with Mr. Liddy?

Mr. MITCHELL. Yes, sir; it was, I am quite certain, June 22.

Mr. WIGGINS. During the course of that conversation on June 22, did the subject of commitments or payments for attorneys' fees arise?

Mr. MITCHELL. Yes.

Mr. WIGGINS. Would you explain, please, what was said?

Mr. MITCHELL. Either Mr. Mardian—I believe it was Mr. Mardian, reported to me that Mr. Liddy had—who, of course, then was still employed by the Finance Committee—was making what I believe Mardian described as a pitch for the committee to put up money to provide bail for the—I guess the five of them that were incarcerated at that particular time. I told Mr. Mardian in no uncertain terms that that was not going to be done and should not be done.

Mr. WIGGINS. Did you at that time say in words, any form of words, that it would be well if these defendants were well represented in view of the potential civil liability of the Committee To Re-Elect?

Mr. MITCHELL. I don't have any such recollection. What I am pausing for is the question of whether or not there was any thought at that particular time of any civil liability against the committee. What I am saying is I don't recall whether Lawrence O'Brien or the Democratic National Committee had filed their lawsuit or even talked about it.

Mr. WIGGINS. Your present testimony is that you have no memory, at least at this time, of any such conversation occurring?

Mr. MITCHELL. That is correct, but as I pointed out, it is conceivable that it would not have been discussed because the thought hadn't arisen on the part of the Democratic Party.

Mr. WIGGINS. I understand.

Now, redirecting your attention to a different date, March 20, 1973, do you recall a conversation from John Dean to you in your apartment in New York on that day?

Mr. MITCHELL. No; I have no independent recollection of it.

Mr. WIGGINS. Are you aware that John Dean has testified to such a conversation in other proceedings?

Mr. MITCHELL. I don't know—I don't know whether he testified to it or whether, where I had my information, or whether I have read it in one of the transcripts, a reference to it.

Mr. WIGGINS. Would it refresh your recollection if I were to say that such testimony included a statement by John Dean that Grecians bearing gifts was mentioned? Does that help you refresh your recollection?

Mr. MITCHELL. Yes; it does, and I think my recollection comes from one of the transcripts.

Mr. WIGGINS. Well, now, I am going to ask you, did that conversation occur between you and John Dean?

Mr. MITCHELL. I can't say for sure whether or not a conversation occurred between John Dean and I on that particular evening. I can say absolutely that Mr. Dean and I never talked about Grecians bearing gifts.

Mr. WIGGINS. Was your wife, so far as you know, in your apartment on the evening of the 20th?

Mr. MITCHELL. I have no idea one way or the other.

Mr. WIGGINS. Have you told us your total recollection with respect to any call by John Dean on the 20th to you in your apartment in New York?

Mr. MITCHELL. I say I have no independent recollection of it, Congressman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Eilberg.

Mr. EILBERG. Mr. Mitchell, I would like to pursue because I don't understand your answer to the line of questioning started by Mr. McClory and continued by Mr. Railsback.

In our committee transcripts of the eight conversations, referring to the telephone conversation of March 22 on page 183, the President is quoted as saying:

What happened to Adams. I don't want it to happen with Watergate—the Watergate matter. I want you all to stonewall it, let them plead the fifth amendment, coverup or anything else, if it'll save it—save the man.

Now, are you saying that the President is not talking about the Watergate matter here?

Mr. MITCHELL. Let me say, this is the first time I have ever seen this transcript, which does not comply with the two transcripts that I have read on this meeting.

The CHAIRMAN. I might enlighten Mr. Mitchell that this did not appear in the edited White House version.

Mr. MITCHELL. Well, I am also talking about the copy that the Special Watergate Prosecutor gave. It does not appear in there, either.

Mr. HUNDLEY. Mr. Chairman, we discovered a copy of the transcript from the Special Prosecutor. It is entitled "Transcript Prepared by the Watergate Special Prosecution Force of the Recording of the Meeting Between the President and Messrs. Dean, Ehrlichman, Haldeman, and Mitchell on March 22, 1973, from 1:57 to 3:43 p.m." Whether we didn't get it all or not, I do represent to this committee that this portion just isn't contained in it.

The CHAIRMAN. It is contained in the House Judiciary Committee transcript.

You haven't been provided with a copy?

Mr. HUNDLEY. We were just provided with a copy of yours.

The only point Mr. Mitchell is making is we have never seen this before.

The CHAIRMAN. I see. I understand.

Mr. EILBERG. Does counsel have a copy of the committee print, then, do I understand?

Mr. HUNDLEY. Yes; now we have it.

Mr. EILBERG. Would you look at the middle page of 183 so we all know what we are talking about? I would like to ask Mr. Mitchell again, is not the President talking about Watergate?

Mr. MITCHELL. Well, Congressman, the only answer that I can give you, based on my recollection of the meeting that we had on March 22, that it all had to do with the appearances or nonappearances of the personnel before the Select Committee.

Mr. EILBERG. Well, let me ask you this: If, as it appears to me, he is talking about Watergate, does not this amount to a conspiracy to cover up a crime, which is a felony itself?

Mr. MITCHELL. It has no relation to it whatsoever if you are talking about the exercise of special privilege.

Mr. EILBERG. But this statement by the President says absolutely nothing about executive privilege. It talks about the Watergate matter.

Mr. MITCHELL. The Watergate matter was the whole purpose of the Select Committee.

Mr. EILBERG. Mr. Mitchell, going back to page 164, the same conversation, I wonder if counsel would take a look at that, the middle of the page.

The President does talk there about "the executive privilege thing." And then the President goes on and says, "But now—what—all that John Mitchell is arguing, then, is that now we, we use flexibility—in order to get on with the coverup plan."

What coverup is he talking about?

Mr. MITCHELL. He is talking about the recommendation that I made, and I am not vouching for this transcript, because I haven't seen this, either, any other place. He is talking about the recommendation that I made that he get off the hard wicket that he had been on in connection with executive privilege and who would and who would not go up and testify before the Select Committee.

Mr. EILBERG. Mr. Mitchell, can executive privilege be—

Mr. MITCHELL. If I may add one other thing.

Mr. EILBERG. Yes, sir.

Mr. MITCHELL. You will find that there are conversations or discussions through here that the President, by his stand on the use of executive privilege, the hardline that he took, was being accused of a coverup plan. And that is the context in which the word "coverup plan" is used in here.

Mr. EILBERG. Can executive privilege be used to cover up a crime, Mr. Mitchell?

Mr. MITCHELL. Are you talking about legally or factually?

Mr. EILBERG. Both.

Mr. MITCHELL. Well, I don't know about factually. I would have to know the circumstances and I have ceased and desisted from giving legal opinions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Dennis?

Mr. DENNIS. Thank you, Mr. Chairman.

Mr. Mitchell, on March 22, 1973, you went down from New York to Washington; is that correct?

Mr. MITCHELL. Yes, sir.

Mr. DENNIS. And that, if I understand you, was in response to a telephone call which you had received the day before from Mr. Haldeman in which you say that, to the best of your recollection, you received shortly after noon; is that correct?

Mr. MITCHELL. That is my recollection, sir.

Mr. DENNIS. And if I understand your testimony, in your talk with Mr. Haldeman at that time, there was no mention or discussion whatsoever of demands for money by Hunt or of payments to Hunt.

Mr. MITCHELL. None whatsoever.

Mr. DENNIS. At about the same time and perhaps on the same day, you had also, but before your conversation with Haldeman, received a call from LaRue. Is that correct?

Mr. MITCHELL. Yes, sir, Congressman. It is my definite recollection that it was before and in what area, I can't place it, in what time area.

Mr. DENNIS. I understand that, but before your talk with Haldeman and possibly also on the 21st or the 20th; is that correct?

Mr. MITCHELL. It could have conceivably been. It certainly was before my conversation with Mr. Haldeman.

Mr. DENNIS. And in that conversation is when Mr. LaRue did tell you about Mr. Hunt's requests or demands as you have testified?

Mr. MITCHELL. Yes, sir.

Mr. DENNIS. On the evening of March 20, the day before you received your call from Mr. Haldeman, you may have talked to Mr. Dean; is that correct?

Mr. MITCHELL. It is conceivable, Congressman, that I did. I talked to Mr. Dean quite frequently about any number of subject matters. But I have no recollection one way or the other whether I did or didn't.

Mr. DENNIS. But if you did talk to him, you did not talk about any demands on the part of Mr. Hunt, is that your statement?

Mr. MITCHELL. I am quite certain of that. That would be my best recollection.

Mr. DENNIS. And nothing about Grecians bearing gifts or \$75,000 or anything of that kind?

Mr. MITCHELL. I am quite certain of that.

Mr. DENNIS. On the morning of March 22, when you had the meeting with Haldeman, Ehrlichman, and Dean, before you saw the President, was any statement made to you by either Mr. Dean or Mr. Haldeman or Mr. Ehrlichman to the general effect, "What about Hunt," or "What about Hunt's demands" or "Hunt's problem?"

Mr. MITCHELL. I am quite certain, Congressman, there were none.

Mr. DENNIS. Do you deny that such a statement took place?

Mr. MITCHELL. I would deny the statement that has been attributed to Mr. Dean in his testimony before the Senate Watergate Committee.

Mr. DENNIS. And did you reply to that statement, in effect, "I don't think that is a problem anymore," or anything of that kind?

Mr. MITCHELL. I did not so reply, and it would seem obvious that I didn't know whether Mr. LaRue had followed through on his conversation with me or not, so I would not have any basis to make that statement.

Mr. DENNIS. Or "I think that's been taken care of" or anything of that sort?

Mr. MITCHELL. No, sir.

Mr. DENNIS. You do recognize, of course, that both Mr. Haldeman, Mr. Dean, and Mr. Ehrlichman all say that that conversation took place on that occasion?

Mr. MITCHELL. I haven't any idea what they do say.

Mr. DENNIS. Well, haven't you seen their testimony before the Senate Select Committee to that effect?

Mr. MITCHELL. No, sir, I have not. I have seen Mr. Dean's testimony. I have not seen Haldeman or Ehrlichman's.

Mr. DENNIS. You have not seen Haldeman or Ehrlichman on that subject?

Mr. MITCHELL. No, sir.

Mr. DENNIS. Well, assuming for the sake of the argument that they all did testify essentially to that effect, the only difference being whether Dean raised the question or Ehrlichman raised the question, are they all mistaken or not stating the fact?

Mr. MITCHELL. I would have to say definitely yes, for the very simple reason that I would not know what the answer was that they attribute to me.

Mr. DENNIS. Well, you are saying that that was not raised and that you did not make that answer, is that right.

Mr. MITCHELL. That is my statement, and I have previously testified.

Mr. DENNIS. And when you later met that day with the President, of course, nothing was said about Hunt. You have also testified to that.

Mr. MITCHELL. There was nothing said about payment of any money to Hunt.

Mr. DENNIS. That is what I mean, payment of any money to Hunt.

Mr. MITCHELL. That is correct.

Mr. DENNIS. Now, referring to April 14, 1973, when you came down here to see the President but saw Mr. Ehrlichman, what was your conversation with Ehrlichman on that occasion? What did he say to you; what did you say to him?



Mr. MITCHELL. Well, I think the best evidence on that, Congressman, is the tape on the subject matter.

Mr. DENNIS. Well, never mind the tape. I would like your best memory.

Mr. MITCHELL. Well, my best memory is that Mr. Ehrlichman told me of Mr. Magruder's going to see the special—or the prosecutor's office, that he was telling the stories that were seeking to involve me and the White House and, so forth and so on, that the President had advised John Ehrlichman to tell all of the parties that were knowledgeable of any of these factors that he wanted them to come forward and tell what they knew about the subject matter, and that he wanted that made known to me by Mr. Ehrlichman. I told Mr. Ehrlichman—and I will omit the expletives—that these little so and so's were trying to get themselves off the hook by involving people in the White House and myself, and so on, and that was about the substance of it.

Mr. Ehrlichman asked me if I would like to see the President and I told him that under the circumstances that were developing and had developed in our conversation, that I didn't care to, and with that, I returned to New York.

Mr. DENNIS. Now, why——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JENNER. Mr. Chairman.

The CHAIRMAN. Mr. Jenner.

Mr. JENNER. Thank you, Mr. Chairman.

There has been distributed to each member of the committee the segment of the campaign log tendered to us by Mr. Hundley and for the purpose of identification, it is Mitchell Exhibit No. 1. It consists of nine pages, the first page of which covers Friday, June 16, 1972, and the ninth page is the balance of June 20, 1972. May it be made part of the record, Mr. Chairman.

The CHAIRMAN. It will be so entered in the record and so identified.

[The document referred to was marked Mitchell Exhibit No. 1 and follows:]

[Mitchell Exhibit No. 1]

*Mr. Mitchell—Friday, June 16, 1972*

- 8:30: AG attended Cabinet Meeting.
- 10:30: AG SAW *Vice President* in VP's office.
- 11:15: AG ret. to office.
- 11:20: AG called *Haldeman* and t.
- 11:25: AG ret. *Guthrie's* call and t.
- 11:30: AG SAW *Jerry Bemis* and *Harry Flemming*.
- 12:30: AG SAW *William Minsch*.  
(friend of Mr. Rose—N.Y. Firm)
- 1:00: AG SAW *Bob Novak* and *Roland Evans*.
- 2:00: AG called *Jeb* and t.
- 2:12: AG ret. *Taft Schreiber's* call and t.
- 2:20: AG left office.
- 3:15: AG departed Watergate for California Celebrities trip.  
See attached itinerary.

## CALIFORNIA TRIP—JUNE 16-19, 1972

*Friday, June 16, 1972*

3:15 p.m.

Depart Watergate for Page Terminal National Airport.

3:45 p.m.

Depart Washington aboard Gulfstream II, Tail Number N109G. Pilots are Mike Griffin and Bob Nimick.

Flying time to Los Angeles is approximately 5¼ hours.

Those aboard the aircraft will be: Mr. and Mrs. John N. Mitchell, Mr. and Mrs. Zane Johnson, Mr. and Mrs. William Henry, Mr. and Mrs. Robert Mardian, Mr. and Mrs. Jeb Magruder, Miss Marty Mitchell, Miss Lea Jablonsky.

(Mr. Johnson and Mr. Henry are both Executive Vice Presidents of Gulf Oil.)

6:15 p.m.

Arrive Garrett Airesearch Facility, Los Angeles International Airport. Party will be met by Bart Porter and Steve King.

Limousine and driver will take Mr. and Mrs. [unreadable] Marty and Steve King to the Beverly Hills Hotel.

Mr. and Mrs. Mardian, Mr. and Mrs. Magruder, Lea Jablonsky will ride with Bart Porter.

A third car will carry all baggage.

7:00 p.m.

Party arrives at the Beverly Hills Hotel. Room assignments are as follows:

383-4-5—Mr. and Mrs. Mitchell

Marty Mitchell

Lea Jablonsky

397—Steve King (6-15)

382—Mr. and Mrs. Mardian

386—Mr. and Mrs. Magruder

396—Mr. Porter (6-16)

395—Mr. Caldiero (6-13)

381—Mr. and Mrs. LaRue

Evening Free

*Saturday, June 17, 1972*

9:45 a.m. (T).

Messrs. Tom Reed and Bob Mardian would like to meet with Mr. Mitchell.

10:30 a.m.

Mr. Mitchell will be picked up in front of the Beverly Hills Hotel by Governor Reagan and driver. They will drive alone to the Airport Marina Hotel.

Mr. Magruder, Mr. Mardian and Mr. LaRue will ride with Bart Porter. Steve King will ride with Governor Reagan's back-up car.

11:00 a.m.

Arrive at the Airport Marina Hotel and proceed to Suite 220-A (See attached—Tab A)

11:30 a.m.

The Governor and Mr. Mitchell will move to the meeting room. Mr. Mitchell will deliver remarks on the campaign. (Twenty to thirty minutes.)

12:00 noon (approx.)

Immediately following Mr. Mitchell's remarks there will be a smaller private meeting of the California Executive Committee in Suite 220-A. Messrs. Magruder, Mardian and LaRue will also attend this meeting.

1:00 p.m.

Mrs. Mitchell will proceed to Hairdresser at Beverly Hills Hotel Beauty Salon. Mr. Arthur Bruchel will do Mrs. Mitchell's hair.

1:30 p.m.

Mr. Mitchell will hold a "press availability" in a private room (to be determined) of the [unreadable] Marina Hotel. Ray Caldiero is in charge of arrangements. The session should last no more than one-half hour. (See attached—Tab B)

- 2:00 p.m. Return to Beverly Hills Hotel. Mr. Mitchell's limousine and driver will be available.
- 3:50 p.m. Mrs. Mitchell will depart the Beverly Hills Hotel for the Merritt T. Smith Studio at 10250 Santa Monica Boulevard. (Ten minute drive)  
(213) 277-0827 office  
(213) 553-2139 home
- 4:50 p.m. Mrs. Mitchell will depart Studio to return to Hotel.
- Afternoon Free
- 7:15 p.m. Depart Hotel for Taft Schreiber's Party. Mrs. Schreiber's first name is "Rita". [unreadable]
- 7:30 p.m. Arrive at Schreiber's Residence.  
1160 Tower Road  
Beverly Hills  
Cocktails—7:30 p.m.  
Dinner—8:30 p.m.  
NOTE: Mr. and Mrs. Mitchell will be seated separate tables.  
Also attending: Mr. and Mrs. Magruder, Mr. and Mrs. Mardian, Mr. and Mrs. LaRue, Mr. and Mrs. Porter, Mr. Caldiero, Miss Jablonsky.  
(It is anticipated that Steve King would [unreadable] at the Hotel with Marty.)  
(See attached—Tab C)
- Sunday, June 18, 1972*
- 11:30 a.m. Combout—Mrs. Mitchell  
Mr. Arthur Bruchel in Room
- 12:00 noon Check out of Beverly Hills Hotel
- 12:10 p.m. Depart Beverly Hills Hotel for Young Celebrities Event at the home of: A. J. Caruthers, 15000 Carona Del Mar Blvd. Pacific Palisades. (See attached—Tab D)  
The brunch, in honor of the Mitchells, will be in progress beginning at 11:30 a.m.  
*Dress: Sport/Casual*  
Also attending: Jeb Magruder, Bart Porter, Ken Rietz, Bob Podesta, Ray Caldiero, Dolf Droge (Kissinger's Staff).  
Arrive Caruthers' Residence  
Depart for Newporter Inn  
Arrive Newporter Inn  
Room assignments are as follows:  
Villa 355—D Mr. and Mr. Mitchell, Marty Mitchell, Lea Jablonsky  
Double, Mr. and Mrs. Mardian  
Double, Mr. and Mrs. Magruder  
Double, Mr. and Mrs. LaRue  
Single, Mr. Porter  
Single, Mr. Caldiero  
Single, Mr. King  
NOTE: Room assignments will be made known later.
- 5:00 p.m. Combout—Mrs. Mitchell  
Miss Paul Kovacs
- 5:50 p.m. Herb Kalmbach and his wife will arrive at the Newporter Inn to escort the Mitchells to the cocktail/buffet in Newport Beach. Mr. and Mrs. [unreadable] limousine will follow the Kalmbach's car.  
Depart Newporter Inn  
Arrive at home of Mrs. Gene Washburn,  
411 Avocado, New Port Beach (714) 673-3339  
This is a cocktail/buffet for major contributors and prime prospects. There will be approximately 70 people in attendance.  
*Dress is sports jacket and tie/long hostess dress*  
Party is scheduled for 5:30 p.m.—8:30 p.m.
- 8:30 p.m. (approx.) Return to Newporter Inn

*Monday, June 19, 1972*

10:15 a.m.

10:25 a.m.

10:30 a.m.

Depart Newporter Inn for Orange County Airport.  
Arrive Orange County Airport.

Depart for Washington, D.C. aboard Gulfstream Tail  
Number N109G. Pilots are Mike Griffin and Bob  
Nimick.

Those aboard the aircraft will be :

Mr. and Mrs. John N. Mitchell,

Mr. and Mrs. Zane Johnson,

Mr. and Mrs. William Henry,

Mr. and Mrs. Robert Mardian,

Mr. and Mrs. Jeb Magruder,

Miss Marty Mitchell,

Miss Lea Jablonsky.

6:00 p.m. (approx.)

Arrive Page Terminal, Washington National Air  
port

*Mr. Mitchell—Monday, June 19, 1972*

Mr. Mitchell was in Newport Beach, California.

6:00: AG ret. to Washington—Watergate

*Mr. Mitchell—Tuesday, June 20, 1972*

8:15: AG attended White House meeting.

9:00: AG attended White House meeting.

10:30: AG ret. to office

10:32: AS SAW *Jeb Magruder, Fred LaRue* and *Bob Mardian*

11:15: AG talked with *Sen. Harry Byrd*

11:25: AG SAW *Rob Odle*

11:40: AG SAW *Van Shumway*

12:30: AG talked with *Mrs. Mitchell*

1:40: AG SAW *Mardian*

2:05: AG SAW *Messrs. Timmons* and *Magruder*

2:30: AG SAW *Van Shumway*

2:45: AG SAW *Glenn Sedam*

3:05: AG ret. *Bill Gifford's* call and t.

3:20: AG ret. *Secy Volpe's* call and t.

3:45: AG ret. *Gov. Rockefeller's* call and t.

4:00: AG ret. *Amb. John Pritzlaff's* call and t.

4:15: AG SAW *Secy Stans*

4:25: AG called *Wally Johnson*

4:50: AG SAW *Pete Dailey* and *Jeb Magruder*

5:30: AG SAW *Glenn Sedam* and *Jeb Magruder*

6:00: AG SAW *Fred LaRue* and *Bob Mardian* with the above

6:50: AG called *John Dean* and t.

7:15: *John Dean* ret. AG's call and t.

7:45: AG left office

The CHAIRMAN. Mr. Waldie.

Mr. HUNDLEY. Mr. Chairman, could I just make an observation that I wouldn't make except I think it is rather important. We have had a lot of questions now asked about this particular paragraph on page 183 of your report where it is stressed that the President said "for that reason . . . I don't give a shit what happens. I want you all to stonewall it, let them plead the fifth amendment, cover up or anything else if it'll save it—save the plan." Now, I have found a comparable paragraph in the translation that has been officially submitted to the defendants and their counsel by Mr. Jaworski, who I think it would be fair to say is an adversary, and these key words like "stonewall" and "the fifth amendment" and "save the plan" are just not there.

And if I have the authority to submit a copy of Mr. Jaworski's official translation, I think it would be important for the committee to have it.

Mr. RAILSBACK. Mr. Chairman?

Mr. ST. CLAIR. Mr. Chairman?

The CHAIRMAN. The Chair would like to advise counsel that this is a transcription from recordings that we have, and the committee has listened to them.

Mr. HUNDLEY. But my understanding is that you got your material from the Special Prosecutor, from the grand jury. No?

Mr. RAILSBACK. Mr. Chairman?

The CHAIRMAN. Mr. Railsback.

Mr. RAILSBACK. I wonder if it wouldn't be helpful to perhaps have either read or distributed to us his version. I would be interested. I don't think it is binding on us but I certainly would be interested in seeing what he has.

The CHAIRMAN. Well, I am sure there is no objection to having it presented to the committee.

Mr. HUNDLEY. All right. The only thing I would like to do first, since I discovered it legally from Mr. Jaworski, I would just like to get his permission, which I am sure is no problem, and I will submit a copy to Mr. Doar.

The CHAIRMAN. Fine.

Mr. McCLORY. And copies to the committee.

Mr. ST. CLAIR. May I have a copy too, Mr. Chairman?

The CHAIRMAN. Of course.

Mr. HUNDLEY. He will object to that.

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. Mr. Mitchell, do I understand the first time you heard of any moneys being paid to the defendants for any purpose whatsoever was when Mr. LaRue called you on March 21?

Mr. MITCHELL. No, Mr. Waldie. I think my testimony has been here, and yesterday, that the first time I heard about it was in the fall of 1972.

Mr. WALDIE. And will you refresh my recollection. From whom did you hear and what did you hear?

Mr. MITCHELL. I am not quite certain as to whom I heard it from. It might have been Dean or it might have been LaRue but it was sometime after the, on or about, but I believe after the time that Kalmbach got out of the business and LaRue had picked it up.

Mr. WALDIE. And was it your understanding—well, what was your understanding of the purpose for which the money was being provided to the defendants?

Mr. MITCHELL. My understanding of the purpose all along was for the purpose of providing fees for counsel in support of the families of the defendants.

Mr. WALDIE. Well, that was the purpose to which it would be put, but what was the purpose for which it was provided?

Mr. MITCHELL. I am not sure I understand your question.

Mr. WALDIE. Well, I understand that that is the purpose to which the money would be put, but that does not necessarily answer the purpose for which the money was provided. Was it for charity, or was there an obligation felt on behalf of the defendants?

Mr. MITCHELL. I can't answer that, Mr. Waldie, because I was not privy to the determinations made as to why the money was originally provided.

Mr. WALDIE. Were you privy as to the amount that ultimately got to them by the conversation of March 21 with Mr. LaRue?

Mr. MITCHELL. I don't follow that question.

Mr. WALDIE. Well, did you know the huge sums that had been delivered for this purpose of attorneys' fees and support by that time?

Mr. MITCHELL. I was not aware of all of the payments or the aggregate amount, but I knew that there had been a series of payments made over the time from whenever they started up until the March payment.

Mr. WALDIE. And it is my understanding that you are saying that you have no idea of the purpose for which it was provided though you understood the purpose for which it was to be put by the defendants?

Mr. MITCHELL. That is correct. I have no express knowledge of it.

Mr. WALDIE. And did you, at any time, ever inquire as to what was the purpose of providing the money?

Mr. MITCHELL. No. I think, as I have discussed this with Mr. Doar when he was questioning along these lines, I have an assumption that the people who initiated it, and to some extent those who were continuing it, had an interest in seeing that—what was the phrase?—that they were kept happy.

Mr. WALDIE. Well, as a former Attorney General, did that not trouble you that they might be embarked upon a course of conduct amounting to obstruction of justice? Did it at least not warrant further inquiry on your part?

Mr. MITCHELL. I can't in retrospect recall what my mental processes were, but certainly it is falling within the concept that many times money is raised for the defense in support of individuals for whatever motives they desire.

Mr. WALDIE. But I assume if they became unhappy that would be a state of mind not to be desired, and the payments were made to them to avoid that state of mind. And you must have believed some consequences would befall if they became unhappy, or did you analyze it at all in any way?

Mr. MITCHELL. I can't state that as a fact because I don't know what their motives were, their rationale and/or their discussion in connection with it.

Mr. WALDIE. Neither do I assume that you inquired?

Mr. MITCHELL. I did not inquire. But, as I said, my assumptions were as I have expressed them.

Mr. WALDIE. And one final question. You testified that the call you received from Mr. LaRue preceded the call that you received from Mr. Haldeman and that call you know because of records was on March 21; is that correct?

Mr. MITCHELL. That is correct. But, Congressman, I would like to point out that they are not my records.

Mr. WALDIE. I understand that. I understand that.

Mr. MITCHELL. But I have been advised of the records.

Mr. WALDIE. Now, the question I have is did you not make it clear—

you said that the call from Mr. LaRue preceded the call of Mr. Haldeman on the 21st, but did you thereby imply the call of Mr. LaRue was received on the 21st? If it were received on the 20th it would be consistent with your reply but it preceded the call on the 21st to Mr. Haldeman.

Mr. MITCHELL. Yes; I have testified that I cannot place exactly the time of the call from Mr. LaRue.

Mr. WALDIE. But do you place the date?

Mr. MITCHELL. But I have a very strong recollection that it was some time before Mr. Haldeman's call.

Mr. WALDIE. I know, but on that date?

Mr. MITCHELL. I have no way of making that determination.

Mr. WALDIE. You cannot—

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALDIE. You cannot exclude then the 20th as it?

Mr. MITCHELL. I can't exclude it; no.

Mr. WALDIE. Thank you, Mr. Mitchell.

The CHAIRMAN. Mr. Fish.

Mr. FISH. Thank you, Mr. Chairman. I would like to yield to the gentleman from Indiana.

Mr. DENNIS. Thank you, Mr. Fish.

Mr. Mitchell, going back just a moment to your conversation on April 14 with Mr. Ehrlichman, which you have recounted here, why did you conclude following that conversation that you preferred not to see the President?

Mr. MITCHELL. I have never thought of the question in some time, Congressman. I think that the reason that I did so was that this matter, according to Mr. Ehrlichman's statements to me, was unraveling very rapidly, and it occurred to me that it would be in the interest of the President for him to hold himself above these discussions that were taking place such as I have had with Ehrlichman.

Mr. DENNIS. Did you ever thereafter discuss that conversation with the President?

Mr. MITCHELL. No, sir.

Mr. DENNIS. Returning for the moment to the situation on June 19, 1972, when you came back to Washington from California, and received the report from Mr. Magruder, who had preceded you, which we talked about this morning, what did Mr. Magruder tell you he had found out about the Watergate break-in at that time?

Mr. MITCHELL. Based almost entirely upon what he had learned from the newspapers and from the people in the public relations area of the Committee for the Re-Election of the President. He did not tell us about his conversation that he had had that morning with Mr. Dean or with any of the other people in the committee. He merely brought us up to date on what I have referred to as the current status of the newspaper reports with respect to the defendants and what the Democrats, Lawrence O'Brien and the other Democrats were saying about it, what they were proposing to do, whatever that was.

Mr. DENNIS. Merely matters that were public knowledge is all he told you?

Mr. MITCHELL. That's the basis of the conversation, the best that I can recall it.

Mr. DENNIS. He said nothing about anyone at the committee being involved?

Mr. MITCHELL. No; he did not. Excuse me. Yes; of course, Mr. McCord, the security officer, was one of those apprehended.

Mr. DENNIS. I understand that.

Mr. MITCHELL. He was part of it.

Mr. DENNIS. But other than that, such as his own involvement or anything of that nature?

Mr. MITCHELL. No, sir, he did not.

Mr. DENNIS. Was it known to you that at one time earlier on Mr. Kalmbach had been involved in the money payments to the defendants?

Mr. MITCHELL. Earlier on?

Mr. DENNIS. Well, earlier before Dean got in it, let's say?

Mr. MITCHELL. It was known to me that Mr. Kalmbach had been involved at the time of or shortly thereafter he got out of the business. In other words, the fall 1972.

Mr. DENNIS. You mean you found out that he had been involved about the time he quit being involved?

Mr. MITCHELL. Or shortly thereafter.

Mr. DENNIS. I take it then that you are not the person who put him in touch originally with Mr. LaRue?

Mr. MITCHELL. No way.

Mr. DENNIS. On the occasion in Florida, March 30, 1972, when LaRue and Magruder were there, Key Biscayne, was there conversation at that time about plans to have electronic surveillance of the Democratic National Committee headquarters?

Mr. MITCHELL. There was presented at that meeting down there a long list of memoranda of different types pertaining to the re-election campaign covering all subject matters, and it is my distinct recollection that toward the end of that meeting Magruder pulled out of his folder again another one of these intelligence gathering operations, and started to explain what it was. And I said is it like the last one, and I said not that again and turned it off and that was the end of it.

As I tried to clarify this morning with Mr. St. Clair, there is certainly no detailed discussion of the contents of whatever they were about to propose.

Mr. DENNIS. And you did not approve any such proposal at that time?

Mr. MITCHELL. Most assuredly not.

Mr. DENNIS. Thank you, Mr. Chairman.

Mr. FISH. I just have one question.

Mr. DENNIS. I yield back to Mr. Fish.

Mr. FISH. I have just one question in one area here, Mr. Mitchell. At the time of your conversation in the White House with Mr. Ehrlichman on April the 14th, did he discuss with you a conversation that he had had on the west coast a few days earlier, I believe April the 4th, with Mr. O'Brien?

Mr. MITCHELL. I don't recall, Mr. Fish, that that entered into the conversation. I don't recall.

Mr. FISH. Did he report to you at any time that you had been instrumental in setting up—



Mr. MITCHELL. Well, I was instrumental in getting a meeting between Mr. O'Brien and Mr. Haldeman and apparently Mr. Haldeman passed Ehrlichman on to, or passed O'Brien on to Ehrlichman. I don't have any recollection at this time that Ehrlichman and I ever discussed the contents of that meeting.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Flowers.

Mr. FLOWERS. Thank you, Mr. Chairman.

Mr. Mitchell, am I correct, and I believe you so testified, that you and the President have a fairly longstanding personal relationship, both politicalwise and friendshipwise, socially and so forth, that extends back some years before the White House years?

Mr. MITCHELL. Well, as to the social aspect of it, or the friendship aspect, it goes back starting with varying degrees when he came from California to New York in 1963 it was. Our law firms did work together and we saw each other from time to time. And then, of course, our firms merged on January 1, 1967, and there is a personal relationship. The frequency, of course, diminished measurably after he became President and had other things to do.

Mr. FLOWERS. Yes, sir.

Now, after he became President, am I incorrect though in assuming that you did have a degree of personal relationship that was obviously somewhat closer than he had with a number of other people in your administration?

Mr. MITCHELL. Well, I think that's a reasonable statement; yes, Congressman.

Mr. FLOWERS. Of course, you are not a member of the White House staff, but had your own bailiwick at the Justice Department. Now, insofar as your personal contacts with the President, Mr. Mitchell, were you able to reach him when you needed to talk with him about matters of the Justice Department or other matters that you thought he might be interested in?

Mr. MITCHELL. Yes; I was, Mr. Flowers. I don't recall of any time that I haven't been able to reach the President when I so attempted to do so. It was my practice, however, not to do that unless there was a dire emergency.

Mr. FLOWERS. Yes; I understand. My question then goes to other people who perhaps did not have this same personal relationship that you did, and also I am going to ask you about the White House staff itself, which you may not have as much knowledge of as perhaps others, but was it structured so that everything that the President received was filtered through Mr. Haldeman?

Mr. MITCHELL. Well, based on my knowledge, and I can't assure this to be the fact, that most everything that was sent for the President's attention was cleared through Mr. Haldeman's office.

Mr. FLOWERS. Was everybody the President was to see cleared through it?

Mr. MITCHELL. With the exception of certain areas of foreign policy and national defense.

Mr. FLOWERS. But to everybody that wanted to see him on a normal Government matter, or a normal political matter, it would be cleared through Mr. Haldeman?

Mr. MITCHELL. That's my understanding of it, yes, sir.

Mr. FLOWERS. Would you yourself have to be cleared through Mr. Haldeman?

Mr. MITCHELL. There has been some debate about this in the press down here. My answer was no; I would not have been.

Mr. FLOWERS. From your knowledge, would Mr. Colson's relationship with the President or his contact with him have to be cleared through Mr. Haldeman?

Mr. MITCHELL. I was not very familiar with Mr. Colson's relationship with the President. I can't answer that.

Mr. FLOWERS. Mr. Ehrlichman's relationship with the President, would it have to be cleared through Mr. Haldeman?

Mr. MITCHELL. I would doubt it.

Mr. FLOWERS. What about Mr. Dean?

Mr. MITCHELL. Yes; I would believe that very much so, Mr. Dean.

Mr. FLOWERS. Mr. Dean?

Mr. MITCHELL. Yes, sir. Yes, sir.

Mr. FLOWERS. He did not have a close personal relationship?

Mr. MITCHELL. Please understand that I am giving you my opinion.

Mr. FLOWERS. Yes, sir. I understand that.

Mr. MITCHELL. Based only upon my knowledge.

Mr. FLOWERS. Yes. That's all I am asking for, is your best judgment.

Mr. Dean's personal relationship with the President came very late in Mr. Dean's career at the White House did it not, or it appears to me so?

Mr. MITCHELL. So I understand. I am not certain.

Mr. FLOWERS. You had no personal knowledge of it other than the fact that he was there in the various meetings that we see indicated that the President had some fairly high things to say about Mr. Dean's activities?

Mr. MITCHELL. I am not sure I understand your question.

Mr. FLOWERS. Well——

Mr. MITCHELL. Well, unless——

Mr. FLOWERS. In fact, the March 22 transcript indicates that the President was complimenting Mr. Dean rather highly to you I believe.

Mr. MITCHELL. Could be. I just don't recall that portion of it.

Mr. FLOWERS. Well, were you aware, Mr. Mitchell, of any policy within the White House among those who were close to the President of keeping things from the President that were "things he ought not to know about" or things of that nature?

Mr. MITCHELL. Very much so and you can get about six former Cabinet officers to come up and testify to that.

Mr. FLOWERS. Was that a generally accepted policy?

Mr. MITCHELL. I don't know how generally accepted it was, but it happened very frequently, and former Cabinet officers and others of his agencies in this city have spoken out quite loudly on this subject matter.

Mr. FLOWERS. Thank you, sir.

No further questions, Mr. Chairman.

The CHAIRMAN. Mr. Mayne?

Mr. Mann?

Mr. MANN. Thank you, Mr. Chairman.

Mr. Mitchell, how often during the period that you were campaign director in 1972, how often did you report to the President concerning the progress of the campaign and plans for the campaign?

Mr. MITCHELL. Well, let me try to answer your question more fully by expanding it, because I was only the campaign director from April 9 until July 1. I did continue, as I have testified here, in a consulting capacity during other, the other time between July 1 and the election in November. I would guess that the total number of times that I met with the President during that period, in both capacities, to talk about the campaign, and I think that was your question, and its progress, was probably six or seven.

Mr. MANN. All right now, Mr. LaRue testified that there was a daily meeting at the White House which you attended while you were campaign director, and Mr. MacGregor following you. Who did you meet with on that occasion in the morning at 8 or 8:30?

Mr. MITCHELL. This was an 8:15 meeting that I attended from some time I guess in early April 1972 until the first of July. It was Mr. Haldeman, Mr. Ehrlichman, Mr. MacGregor, Dr. Kissinger, General Haig, Mr. Colson, generally Mr. Flanagan, Mr. Stein from the Council of Economic Advisors, Mr. Ziegler or a representative of his office, and I think that about covers it. Oh, Mr. Rumsfeld.

Mr. MANN. Was that a campaign strategy meeting?

Mr. MITCHELL. No; that was anything but. It was the White House staff chiefs getting together early in the morning to discuss the problems of the day that ranged all the way from legislation, Executive orders, activities in the departments, and very little political activity was discussed in connection with it.

Mr. MANN. Well, did you not attend such meetings prior to April 4 when you became campaign director?

Mr. MITCHELL. No; I did not because I was not part of the White House staff.

Mr. MANN. But, as campaign director you joined the inner circle?

Mr. MITCHELL. I joined them for the purpose of understanding the issues that were developing in the Government. Issues are parts of the campaign, so I would be cognizant of what the issues were and what the position of the administration was with respect to those issues.

Mr. MANN. In the process would you make a report to the people who obviously had the ear of the President on a daily basis concerning campaign development?

Mr. MITCHELL. No; I can't recall a single time that campaign developments were discussed at such a meeting. There was another ad hoc group doing this. Up to July 1, that consisted of Clark MacGregor, Haldeman, Ehrlichman, Harlow, who was not in the White House at that time but came to those meetings where we did put together more of a discussion of the campaign activities, and strategy vis-a-vis the issues that were arising in Government.

Mr. MANN. During this period from April to July 1, did the President attend any of those 8:15 meetings?

Mr. MITCHELL. He has never attended one that I have been at and I understand that it is not his practice to do so.

Mr. MANN. Thank you.

The CHAIRMAN. Mr. Hogan?

Mr. HOGAN. I have no questions, Mr. Chairman.

The CHAIRMAN. Mr. Sarbanes?

Mr. SARBANES. No questions.

The CHAIRMAN. Mr. Butler?

Mr. BUTLER. No questions.

The CHAIRMAN. Mr. Seiberling?

Mr. SEIBERLING. Mr. Mitchell, would you say that you were a close personal friend of President Nixon's?

Mr. MITCHELL. I would. You have to know the President and his friends, and so forth. Of course, Mr. Rebozo and Mr. Abplanalp have been described as very close personal friends of the President, and so I have spent a time with the three of them together so maybe you can classify me in the same category. But, as I say, when you are the President of the United States you don't have time for extensive social activity.

Mr. SEIBERLING. But did you have a warm relationship?

Mr. MITCHELL. I had always felt it so from my point of view. I trust that he felt likewise.

Mr. SEIBERLING. Do you feel you still have such a relationship?

Mr. MITCHELL. I think so. Of course, it has been somewhat deferred in view of some of these activities and events.

Mr. SEIBERLING. At the time of the March 22, 1973, meeting which you attended with the President, were you aware that the conversations with him in the Oval Office were being tape recorded?

Mr. MITCHELL. No, sir.

Mr. SEIBERLING. Mr. Chairman, I have no further questions. Thank you, Mr. Mitchell.

Mr. MITCHELL. You are welcome.

The CHAIRMAN. Mr. Mayne?

Mr. MAYNE. Thank you, Mr. Chairman. No questions.

The CHAIRMAN. Did Mr. Seiberling yield to someone?

Mr. SEIBERLING. No.

The CHAIRMAN. Mr. Butler?

Mr. BUTLER. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Danielson?

Mr. DANIELSON. I yield my time to Mr. Donohue.

The CHAIRMAN. Mr. Donohue.

Mr. DONOHUE. Mr. Mitchell, you stated I think in answer to one of Mr. St. Clair's questions, that you have never met Mr. Hunt; is that correct?

Mr. MITCHELL. Yes, sir.

Mr. DONOHUE. But you knew of Mr. Hunt, did you not?

Mr. MITCHELL. I knew of Mr. Hunt in a very isolated situation. If you give me the moment, I will explain it to you.

Mr. DONOHUE. You may proceed, yes.

Mr. MITCHELL. The only time I had ever heard of Mr. Hunt until sometime after June 17 was in connection with the subject matter which I think I testified to here earlier, that has to do with this Diem cable story in which Mr. Lambert, the magazine writer, came to me about the Diem cables and wanted to know if I could help him get them for Mr. Colson and it was at that time that he mentioned that Mr. Hunt and Mr. Colson, Mr. Hunt was working for Mr. Colson, and he was involved in the Diem cables situation. That's the only time I had ever heard of Mr. Hunt.

Mr. DONOHUE. And you can't recall hearing of him at any time prior to that date in June?

Mr. MITCHELL. This was prior to the date in June, Congressman.

Mr. DONOHUE. Did you hear of him in connection with the break-in of Dr. Fielding's office?

Mr. MITCHELL. No, sir, not until that became public. No, excuse me, I don't mean to say that. Not until I heard about the break-in from Dr.—at Dr. Fielding's office from Mr. Mardian and Mr. LaRue and from Mr. Dean.

Mr. DONOHUE. Well, didn't you have that information in your office as Attorney General?

Mr. MITCHELL. The information about the break-in in the—

Mr. DONOHUE. Yes.

Mr. MITCHELL. Doctor's office?

Mr. DONOHUE. Yes.

Mr. MITCHELL. No, sir, there was not.

Mr. DONOHUE. Well, at a time sometime prior to June, Ellsberg was being tried in California; was he not?

Mr. MITCHELL. I'm not certain that the trial had started, Congressman. He had been indicted but whether his trial had started or not I can't tell you.

Mr. DONOHUE. Well, during that trial, didn't the judge order certain information in the files of the Attorney General's office to be produced at that trial?

Mr. MITCHELL. Congressman, you are talking about a period and a subject matter that occurred long after I left the Justice Department. I can't tell you about them.

Mr. DONOHUE. Well, prior to your leaving the Justice Department, was there not in the Justice Department information that was furnished to the Attorney General's office regarding the break-in to Dr. Fielding's office?

Mr. MITCHELL. To my knowledge, no.

Mr. DONOHUE. Now, in reply to another question from Mr. St. Clair, you stated in the conversation that you had with LaRue regarding the payment of the \$75,000 that LaRue mentioned that it was for attorneys' fees, is that correct?

Mr. MITCHELL. I have that recollection; yes, sir.

Mr. DONOHUE. But you would not preclude that he also included that it was to be used for living expenses for Hunt?

Mr. MITCHELL. I have no recollection of that so I can't say one way or the other.

Mr. DONOHUE. In other words, he might have stated it to you?

Mr. MITCHELL. It's quite conceivable, Congressman. My recollection seems to be stronger on the attorneys' fees aspect of it because Mr. Bittman's name and requests were discussed.

Mr. DONOHUE. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Cohen.

Mr. COHEN. Thank, you Mr. Chairman.

Mr. Mitchell, having learned of the break-in on June 17 or June 18, I think you testified to and the involvement of the Committee To Re-Elect employees or one employee, did you conduct an investigation on your own to determine the extent of that involvement?

Mr. MITCHELL. What I did was designate Mr. Mardian to do that. And to further that question, it was shortly thereafter, and I can't put my finger on the exact date at this moment, that the litigation was started by Mr. O'Brien, the Democratic National Committee, Mr. Parkinson's firm. Mr. O'Brien's firm came in and they worked with Mr. Mardian in this area.

Mr. COHEN. Speaking of O'Brien, I believe you indicated earlier that you had a conversation with him on March 22, 1973; is that correct?

Mr. MITCHELL. It may be. I will look and see.

Mr. COHEN. Would your records indicate as to whether or not you met personally with Mr. O'Brien on that date?

Mr. MITCHELL. Did he say the 22d or 23d?

Mr. COHEN. Yes, March 22.

Mr. MITCHELL. Oh, excuse me. March 22 I was in Washington.

Mr. COHEN. That's right.

Mr. MITCHELL. And as I left the meeting with the President over in the Executive Office Building, I guess we all left together, I am not certain because the President was leaving for Key Biscayne, I understand, Mr. O'Brien was waiting outside in an anteroom across from the hall where the President's Office is in the Executive Office Building. And I stopped and talked to Mr. O'Brien casually and briefly because I think he wanted me to, as I recall it, either talk longer or have a drink with him or something, but I had a plane to catch so I left.

Mr. COHEN. Did you have a discussion with him either on that day or shortly thereafter whereby Mr. O'Brien indicated to you that he wanted to settle the case with the Democratic Party, to give Common Cause whatever information they wanted in the way of interrogatories or depositions, and that he wanted to testify before the Senate select committee? Did he ever indicate that to you?

Mr. MITCHELL. Well, Common Cause you mentioned. I am not sure that that was involved.

Mr. COHEN. Did he mention the Democratic Party suit or that he wanted to testify before the Senate?

Mr. MITCHELL. My conversations with Mr. O'Brien at this particular time were to the effect that these people from the Committee for the Re-Election of the President needed counsel before the Select Committee on Watergate and that he was bucking for the job as counsel to represent the individuals that were going up there.

Mr. COHEN. Did he ever indicate to you that he was becoming concerned about the inconsistencies that were—the inconsistent statements that were being made before the Senate select committee, and this is what he wanted to talk to Haldeman about?

Mr. MITCHELL. Well, in this time frame, back in March as I recall, there weren't any statements being made to the select committee. This was back in March and the resolution hadn't, wasn't—I don't know when it was passed, but it seems to me in this time frame, and I may be wrong, they just hadn't gotten geared up to go into that at that time.

Mr. COHEN. Well, I withdraw that question. One other. I believe you indicated in response to Mr. Railsback that the plan that you are referring to in this transcript that we have, and your meeting with the

President, dealt with your proposal about getting off the executive privilege wicket, and you urged the President, as I recall, to let Colson testify, Haldeman and Ehrlichman, everybody but Dean who would assert the attorney-client privilege, correct? Is that correct?

Mr. MITCHELL. Yes, that is—

Mr. COHEN. But in connection with that plan, wasn't it also a part of the plan that the President would submit a report to be prepared by Mr. Dean to the committee to be held in executive session, and a part of that report prepared by Dean would exonerate or exculpate Haldeman, Colson, and Ehrlichman?

Mr. MITCHELL. I don't agree with the last aspect of it. As I recall the conversation, the report was to deal with the Watergate matter. And I say Watergate, I am not talking about the White House plumbers or things like that. And the point, and I am not sure this was discussed at this particular meeting, but the point was that there was debate, a report that Dean would take based on affidavits, and FBI files, of their FBI investigation and so forth, which would be submitted to the select committee.

Mr. COHEN. Did you ever have any chance of occasion to contact Tom Pappas of Massachusetts concerning the raising of money?

Mr. MITCHELL. Not the raising of money. I have talked to Tom Pappas quite often.

Mr. COHEN. Did you know whether Mr. LaRue contacted Mr. Pappas for the purpose of money?

Mr. MITCHELL. I don't know. Mr. LaRue and Mr. Pappas were discussing the potential of putting in some type of a refinery in the New England area. I know that. But whether it ever went beyond that or not, I don't know.

Mr. COHEN. Just one final question. Did you ever have any authority over the disbursement of that \$350,000 fund?

Mr. MITCHELL. No, sir. I didn't have any authority over the disbursement of any money.

Mr. COHEN. Any money at all?

Mr. MITCHELL. No, sir. By the time I got to the committee, we were working on budgets, and money was expended under the basis of the budgets. The \$350,000 was transferred to the White House for the purpose of polling, and it was under the jurisdiction, as I understand it, of Mr. Haldeman.

Mr. COHEN. I believe you said you became aware in the fall of 1972, that you became aware of payments of attorneys' fees to the defendants.

How did you become aware of that?

Mr. MITCHELL. In the discussions that were taking place, and of course, there were a lot of general discussions about the subject matter of the Democratic litigation.

Mr. COHEN. But you weren't with the CRP any more?

Mr. MITCHELL. I was not with the CRP. I attended a substantial number of meetings on different subject matters relating to the campaign and that litigation.

Mr. COHEN. Would it be fair to say Mr. O'Brien was correct when he testified before this committee that notwithstanding your resignation from the committee that you were, for all practical purposes, still very much with the committee?

Mr. MITCHELL. Well, you would have to state the time period.

Mr. COHEN. Taking or following your resignation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MITCHELL. May I answer the question?

The CHAIRMAN. Please do.

Mr. MITCHELL. Because I moved, physically moved, to New York and was just infrequently in Washington after that period of time.

The CHAIRMAN. Mr. Drinan.

Mr. DRINAN. Mr. Mitchell, I wonder if you could give us some help with regard to the electronic surveillance that was ordered by the White House and I have before me a document that was given in the recent past to the committee over your signature. And this states that you approve a wiretap on a certain individual who works for Mr. Ehrlichman and he is employed in the Domestic Council staff. And you state "higher authority has requested that this be done immediately for use prior to Thursday" and it is cosigned by J. Edgar Hoover. Do you feel that—and in an accompanying memo Mr. DeLoach states that he talked personally with you and that you stated that the President was extremely [unintelligible] and agitated over this matter and ordered the wiretap. Could you tell us why allegedly internal security was involved in this question?

Mr. ST. CLAIR. Mr. Chairman?

Mr. HUNDLEY. Could we see the document?

The CHAIRMAN. Mr. St. Clair.

Mr. ST. CLAIR. For the first time in 8 weeks, I guess, I would like to interpose an objection. This subject matter is far beyond the statement filed with the committee as to the scope of its investigation. I have not prepared in any respects to deal with the subject matter.

Mr. DRINAN. May I be heard, Mr. Chairman?

The CHAIRMAN. Mr. Drinan.

Mr. DRINAN. In the scope of the testimony that has been given to the committee, the first item states "John N. Mitchell will testify with respect to one, his personal and professional relationship with the President" and this is about a conversation that the Attorney General has conceded he had with the President himself, and he followed the orders of the President in this matter.

Mr. WALDIE. Mr. Chairman, may I be heard?

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. Mr. Chairman, it seems to me that at this particular moment we are hitting a kind of a watershed mark as to the role of Mr. St. Clair in this committee. It seems to me that we made it quite clear that the President's counsel would have no authority to object to questions from Members of the Congress. It seems to me that is what is occurring at this point.

The CHAIRMAN. Well, I must advise the gentleman from California that the President's counsel has a right to interpose objections, according to the rules that we have adopted.

Mr. WALDIE. That was not my understanding. Could you refer to that specific rule?

Mr. DRINAN. Mr. Chairman, I will be——

Mr. HOGAN. Read the rules.

Mr. DRINAN. I will be happy to have Mr. Mitchell and his lawyer to see these documents and we will come back after this quorum call.



The CHAIRMAN. This is a short quorum call and we need not attend.

Mr. BROOKS. Mr. Chairman? Mr. Chairman?

The CHAIRMAN. Mr. Brooks.

Mr. BROOKS. Could I just refresh the committee's memory on that rule? I think it is on page 2, number 2 on 2, objections relating to the examination of witnesses or to the admissibility of testimony and evidence may be raised only by a witness or his counsel. A member of the committee, committee counsel or the President's counsel shall be ruled upon by the chairman or presiding member. Such ruling shall be final unless overruled by a vote of the majority of the members present. In the case of a tie vote the ruling of the Chair shall prevail.

The CHAIRMAN. The rule provides that President's counsel may interpose the objection.

Mr. BUTLER. Rule on it.

Mr. DRINAN. I insist, Mr. Chairman, this is very relevant.

The CHAIRMAN. I haven't ruled yet.

Ms. HOLTZMAN. Mr. Chairman, thank you for recognizing me. I would just like to point out that the basis of Mr. St. Clair's objection is that he's not prepared to deal with this subject matter and I think the committee was well aware of the fact that this subject was in fact, dealt with explicitly by Mr. St. Clair in the presentation that he made before the committee. And I would certainly think that that ought to be taken into account in weighing the validity of the objection, whatever it may be.

Mr. MARAZITI. Mr. Chairman?

The CHAIRMAN. Mr. Maraziti.

Mr. MARAZITI. I concur with the objection by Mr. St. Clair. He has stated very clearly that it is not within the scope of the testimony of Mr. Mitchell as anticipated by him. That alone may not be enough, but he has raised a very good point, that he has not prepared for the discussion in this respect. If the Chair rules that this line of inquiry is to be followed, then I think in fairness to the members of the committee and the President's counsel we should postpone this line of inquiry for a day or two.

The CHAIRMAN. Might I inquire, Mr. Drinan, where in the scope of the testimony which is before the committee—

Mr. DRINAN. At the very beginning—

The CHAIRMAN. We are within the boundaries of that?

Mr. DRINAN. The first and second line, Mr. Chairman. "John N. Mitchell will testify with respect to one, his personal and professional relationship with the President." I think it is relevant to note, Mr. Chairman, that Mr. Mitchell, it is my understanding, has subsequently denied that he signed all of the 17 and Mr. Richardson has said that he did sign all of the 17 statements or authorizations for electronic surveillance.

Mr. MITCHELL. I don't know where you got your information from, Father, but that is not correct.

Mr. DRINAN. Well, all right. I will come to that.

Mr. SEIBERLING. Mr. Chairman, may I be heard?

The CHAIRMAN. Mr. Seiberling.

Mr. SEIBERLING. I do not understand the requirement for a statement as to the proposed testimony of each witness to be binding on

the members, but merely on the counsel for the committee and the President.

[Short pause.]

The CHAIRMAN. The Chair is going to rule that notwithstanding the limitation imposed, and I recognize that the scope of the testimony is that which counsel had intended that the committee not be restricted to, but that the committee would be at least in a position to understand what counsel was going to attempt to bring forth in the testimony that was going to be presented through Mr. Mitchell, and I recognize that while the counsel for the President has a right to interpose an objection, I think that the right of counsel to interpose the objection, frankly, does not flow to the members, and against the members of the committee.

And I believe the members of the committee in this instance have a wide latitude to discuss the matters that come within the scope of the inquiry that we are conducting with the only proviso and embargo being such as they will impose upon themselves in knowing that the witness before us is a person who is at the moment under indictment, and that his rights may be prejudiced if we go within the areas of those matters for which he is awaiting trial. For that reason I overrule the objection.

Mr. DRINAN. Mr. Chairman, if agreeable, I will wait just a moment until counsel and Mr. Mitchell have a chance to look at these documents.

[Short pause.]

Mr. DRINAN. Mr. Chairman, could I ask Mr. McClory to begin clocking my 5 minutes from this moment?

Mr. HUNDLEY. You mean that it doesn't pay to be a slow reader?

Mr. DRINAN. Mr. Mitchell, would you give us your recollection of your signing of that document and your indication of why apparently in the judgment of the White House and the judgment of the Attorney General, that was within the scope of national security?

Mr. MITCHELL. Would you give me a moment to pursue this?

Mr. DRINAN. Yes.

[Short pause.]

Mr. DRINAN. Thank you, Mr. Mitchell. Let me just restate the question. Would you give us your interpretation or your recollection why you felt that the President in this case, and you had a right to institute electronic surveillance over a member of the White House staff who is not associated with foreign policy at all?

Mr. MITCHELL. Father Drinan, I don't know who the individual is to begin with.

Mr. DRINAN. He is a member of the Domestic Council staff and you directed that the reports on the electronic surveillance not go to the President but to Mr. Ehrlichman, who was his superior.

Mr. MITCHELL. Well, this, of course, was pursuant to the direction which is stated in here. But, I would also point out not knowing who this individual was, that there is a reference to material from Guam that is coming Thursday night. Now, while Guam is one of our possessions, it is obviously outside of the continental United States. What the circumstances were I do not have a recollection back to 1969 about it and not knowing who the individual is——

Mr. DRINAN. Is it fair to say that the President asked you and you ordered it assuming that the President has facts that are not disclosed to you?

Mr. MITCHELL. I can't say that at this late date. Let me say that this notation on here of my approval and the reference to the higher authority is in my handwriting. I can identify that.

Mr. DRINAN. That would have been the President, I assume?

Mr. MITCHELL. Yes, sir.

Mr. DRINAN. Would you illuminate us about the other 16 individuals who were subjected to this type of surveillance?

Mr. MITCHELL. After this period of time, as I have told people who have inquired on the subject matter, I can't tell you all of them. I have testified previously on the subject matter to the Senate Select Committee and I have referred them to the records of the Justice Department which would be much more than my memory after all of these years.

Mr. DRINAN. Now, Mr. Mitchell, the committee did receive extensive material from the Justice Department, and I think from the FBI, and these taps produced no clue whatsoever of any leaks by these people of national security matters, and that long before they were discontinued Mr. Sullivan and Mr. Hoover recommended the termination. Furthermore, it appears—

Mr. MITCHELL. Who did they recommend the termination to?

Mr. DRINAN. To you.

Mr. MITCHELL. Is that in the record there?

Mr. DRINAN. I think it is, sir. But, I think perhaps more importantly that the five guidelines of the Department of Justice with regard to warrantless taps were not actually followed in these cases. Did the President suggest or order that the regular rules of the Department of Justice and the regular rules and procedures of the FBI for keeping these wiretaps not be followed in these cases?

Mr. MITCHELL. To my knowledge there was no such conversation on the subject matter with me.

Mr. DRINAN. Why was regular order not followed?

Mr. MITCHELL. I can't answer that question after this period of time. I have no recollection as to the discussions involved other than the basic authorization with respect to the concern that he had over national security. I was not privy to or knowledgeable of all of the discussions that the people in the White House may have had with the Director of the FBI.

Mr. DRINAN. But it is common knowledge, it is accepted that the records of the 17 tapes were held in very irregular status, and that at a moment in time they were delivered to the White House and then subsequently they were retrieved. Was the White House and the President or his immediate inferiors, did they order this, suggest it or compel it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MITCHELL. Compel what?

Mr. DRINAN. Compel the deviance from the rules of the Department of Justice?

Mr. MITCHELL. I am not familiar with that, Father. I can't answer it.

Mr. DRINAN. Thank you very much.

The CHAIRMAN. Mr. Lott.

Mr. LOTT. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Thank you, Mr. Chairman.

Mr. Mitchell, your counsel evidenced some concern that the subpoena that had issued demanding your appearance might adversely affect your right to a fair trial and, in that connection, have you had an opportunity to read the edited transcripts that were made public by the President of the United States?

Mr. MITCHELL. I read——

Mr. RANGEL. This is this blue book that the President issued, I guess April 30.

Mr. MITCHELL. I didn't know whether I had the edited or the expurgated edition. But, in any event, that blue book, I have read the transcript of the March 22 meeting at which I attended with the President. And I have skimmed through, and I say——

Mr. RANGEL. Well, I direct your attention to the conversation that your friend, the President, was having, on April 14 of 1973.

Mr. MITCHELL. I did not read that one.

Mr. RANGEL. Well——

Mr. MITCHELL. I haven't gotten to it yet.

Mr. RANGEL. There is a lot of comment, you have gone through a lot of effort to protect the President and the office, but throughout this transcript——

Mr. MITCHELL. Congressman, I don't want to accept that statement that you just made. I haven't gone through any effort at all. I have just answered the questions as they have been submitted to me.

Mr. RANGEL. I'm sorry. Oh, I didn't mean to cast doubt on the truth of your statements. But, throughout it seems as though that you felt a great deal of concern about the reelection of the President, and I thought it had been reported that you went to great lengths to protect his reelection efforts even though you felt that some of the things that were done were not exactly lawful.

Mr. MITCHELL. I would accept that statement. Done by others, done by others than the President.

Mr. RANGEL. My question is, so that we can have a better understanding, why is it that in these transcripts it seems as though the President is very anxious for you to plead guilty and get out of all of this and that you should be served as an hors d'oeuvre, to stay away from the main dish, and I presume that is him. And it just seems as though the loyalty that you have expressed to the President and his other people have not expressed that same deep feeling about your involvement or lack of it. Could you help us out on why this might be?

Mr. MITCHELL. Well, there is one thing that I can say, that I am going to have some interesting reading that you have just called to my attention. The other thought that comes to my mind, for what it's worth, apparently the President was operating on a lot of misinformation that he was receiving from other individuals.

Mr. RANGEL. Well, do you believe that these other close friends of the President have misused you in the course of his efforts to get reelected?

Mr. MITCHELL. In the course of the efforts to get reelected, I don't know. I am not quite sure.

Mr. RANGEL. Let me withdraw that.

Mr. MITCHELL. The thrust of that question is, what I was immediately driving at, which may not be responsive, I have gathered along the line that some of those individuals over there might have decided that they would attain a better posture if they could sort of, so to speak, put the monkey on my back.

Mr. RANGEL. I see. And there did come a time, where you believed that the President was believing them rather than conferring with you to find out what the truth was as you saw it?

Mr. MITCHELL. I think there might have been an interim period when that was so, yes.

Mr. RANGEL. Well, did you ever have an opportunity to speak with the President to show where the wrongdoing actually laid rather than have you accept all of the blame?

Mr. MITCHELL. Well, I am not about to accept the blame and haven't.

Mr. RANGEL. No, no.

Mr. MITCHELL. But to answer your question, I am saying—

Mr. RANGEL. I am saying you don't have the benefit of the transcripts, but you can see there was a concerted effort, that the best thing you could have done for the President was to plead guilty?

Mr. MITCHELL. Counsel has implied that to me on a number of occasions, yes. But, your question was whether or not I have discussed this aspect with the President. I have not directly, no.

Mr. RANGEL. Do you have any reason why you would not discuss with one of your better friends why some of his other friends are asking you to plead guilty and laying on you, why you would not discuss it with him?

Mr. MITCHELL. Yes, very much so and very strongly so. From the time frame of April on when these matters were being brought to the President's attention, I knew that he was then consulting with the Justice Department, and I fully believed that the President as the Chief Executive Officer should have an official input from the law enforcement agencies on the subject matter, and not from a bunch of story carriers or others who were protecting their own, or seeking to.

Mr. RANGEL. Maybe I didn't frame my question correctly. But, have you set the record straight with the President of the United States as relates to your activities?

Mr. MITCHELL. I believe that I have through my—I haven't directly put—

Mr. RANGEL. You haven't discussed it personally?

Mr. MITCHELL. No; for the reasons I have just stated.

Mr. RANGEL. I see.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANGEL. Thank you.

The CHAIRMAN. Mr. Froehlich.

Mr. FROEHLICH. Thank you, Mr. Chairman.

Mr. Mitchell, during the period of April to July, when you ran the Reelect the President Committee, could you tell us the organization of that committee, how many people were involved, how many divisions, who was making the decisions over there under you?

Mr. MITCHELL. Well, the finance committee, of course, was a separate operation from the Committee for the Re-Election of the President, and crossed over only for the purpose of the preparation of budgets.

There was the committee which was headed by the chairman, Mr. Frank Dale, of Cincinnati, Ohio, and six other outstanding public citizens who were the members of the committee. I, as the campaign director, was the highest operational authority. Directly under me as assistant director, campaign director, was Jeb Magruder. And then you broke off into the programmatic side which involved, media, radio, television, newspaper advertising, direct mailing, and you went all through the different types of programs. From there you moved over into the political side which had to do with and dealt with the organizations that were created within the 50 States for the purpose of conducting the local campaigns. That was the general structure of it.

Mr. FROEHLICH. Now, during this period of time from April to July I believe you said you had seven or eight meetings with the President?

How many?

Mr. MITCHELL. No, I think that I said from the 9th of April through to the election my guesstimate was six or seven meetings with the President where the campaign was discussed.

Mr. FROEHLICH. How many meetings between April and July while you were campaign director on the subject of the campaign?

Mr. MITCHELL. Probably one or two. I can check the logs here and find out, but probably one or two.

Mr. FROEHLICH. When you had these meetings would they be at the Executive Office Building at night, after dinner?

Mr. MITCHELL. No, there were meetings, but not in the time frame of which you talk about, and which I remember one of them on the Sequoia and another one of them up at Camp David. But, the others would be held in the Oval Office or his office in the Executive Office Building.

Mr. FROEHLICH. Did you often meet with the President on other subjects at the Executive Office Building at night?

Mr. MITCHELL. I don't recall except but once having met with the President at night in the Executive Office Building and that had to do with an entirely different subject matter, and that was in 1971.

Mr. FROEHLICH. We have testimony from another witness before this committee that the Re-Elect the President Committee was really an extension of the White House and that Mr. Haldeman ran the re-election committee out of the White House and, in effect, the President ran it through Haldeman. Would you say that is correct?

Mr. MITCHELL. I would say that that is absolute nonsense. The President devoted very, very little time to the campaign as far as the period of time when I was there as campaign director and there were no decisions coming out of the White House at all on the actual running of the campaign.

I was making, frequently in consultation with Mr. Haldeman, but I was making the decisions.

Mr. FROEHLICH. How often did you meet with Haldeman on this, you and he on the subject of the campaign committee and its programs?

Mr. MITCHELL. During what period of time?

Mr. FROEHLICH. While you were running the show.

Mr. MITCHELL. Oh, maybe once a week, once every 10 days, something like that.

Mr. FROEHLICH. That would not constitute him running the committee?

Mr. MITCHELL. Not in my opinion. Of course, there was much written about that and a lot of stories were told about the controversy between Haldeman and myself, or Mitchell and the White House about how the campaign was run, et cetera, et cetera, but I think they were just trying to stir up a little controversy. But, I would not characterize it as Mr. Haldeman running the campaign in any form, shape, or circumstances.

Mr. FROEHLICH. And your resignation from the committee had nothing to do with the Watergate break-in?

Mr. MITCHELL. None whatsoever.

Mr. FROEHLICH. No further questions, Mr. Chairman.

The CHAIRMAN. The committee will recess until we vote and we will return immediately after the vote.

[Short recess.]

The CHAIRMAN. The committee will come to order.

Mr. Moorhead.

Mr. MOORHEAD. Mr. Mitchell, concerning the telephone call that you received from Mr. LaRue in which he asked you, or at least discussed the payment of funds on behalf of Mr. Hunt to Mr. Bittman or Mr. Hunt in your recollection, you have testified that you weren't sure whether the call came on the 20th or the 21st of March, is that correct?

Mr. MITCHELL. Yes, sir.

Mr. MOORHEAD. In your mind, do you have any way that you can pinpoint whether that call was early in the morning or sometime later in the morning or what time of day it may have come in?

Mr. MITCHELL. I have no records to establish the date of it and I have no recollection as to the time of day. I just, as I have stated, have a clear recollection that it came before the Haldeman call, which was shortly after noon, as I recall, and apparently, that is established by Mr. Haldeman's logs.

Mr. MOORHEAD. According to your records, you did not call Mr. LaRue back after he had called you, is that right?

Mr. MITCHELL. I can't answer that, because that would probably be handled by my secretary rather than myself. But I would point out that there is no call registered on the telephone company's records on the 21st of March—no call at all to Mr. LaRue.

Mr. MOORHEAD. I see.

Has the President or anyone on behalf of the President ever asked you to plead guilty to the charges which have been brought against you?

Mr. MITCHELL. No, there never has been and I am sure if anybody had, there probably would have been some assault and battery cases come out of it.

Mr. MOORHEAD. And it has never been suggested to you by anyone?

Mr. MITCHELL. Not in my presence, no sir.

Mr. MOORHEAD. I have no further questions.

The CHAIRMAN. Ms. Jordan.

Ms. JORDAN. Mr. Mitchell, you identified Mr. McCord as the national security officer at the Committee To Re-Elect the President

earlier in your testimony. I want to know how long it is that you knew McCord and that you knew he was the security director at CRP.

Mr. MITCHELL. Did you say national security officer?

Ms. JORDAN. Well, just the security officer.

Strike "national."

Mr. MITCHELL. Mr. McCord was the security officer at the Committee for the Re-Election of the President when I arrived there.

Ms. JORDAN. On which date did you arrive there?

Mr. MITCHELL. Well, when I arrived there—and there you make a good point. When I arrived in the office of my law firm, which was in the same building, which was March 1, 1972.

Ms. JORDAN. March 1?

Mr. MITCHELL. 1972.

Ms. JORDAN. 1972.

Was Mr. McCord a man you knew was involved in the Watergate break-in when you first learned of the break-in on the 17th or 18th of June?

Mr. MITCHELL. It is my recollection, and it seems to be confirmed here based on the press release that was issued in California, on the 18th of June that Mr. McCord was identified as having been one of those apprehended in connection with the break-in at the Democratic National Headquarters.

Ms. JORDAN. In that press release which you apparently issued, Mr. Mitchell, in the fourth paragraph, you state, "We want to emphasize that this man and the other people involved were not operating either in our behalf or with your consent."

Is that a true statement?

Mr. MITCHELL. It most assuredly is.

Ms. JORDAN. Who is "this man" referred to in paragraph 4?

Mr. MITCHELL. I don't have a copy here, but I think Mr. McCord is referred to up above in the prior paragraphs, as I recall reading it this morning.

Ms. JORDAN. Mr. Mitchell, I have a copy of LaRue exhibit 2,<sup>1</sup> which you saw this morning, and in the paragraphs preceding or following paragraph 4, there is no identification of "this man."

Mr. MITCHELL. Well, if I can have a copy of it, I think if his name is not referred to, it refers to a security officer; it refers to somebody who had his own independent consulting business. And that, of course, was the description of Mr. McCord.

Ms. JORDAN. Who was a security officer—

Mr. MITCHELL. Well, it starts right out in the very first paragraph, it says, "A man identified as employed by our campaign committee was one of the five people." Then it goes to the security agency.

Ms. JORDAN. Mr. Mitchell, I don't want to interrupt you, but I have a copy of the release.

Directing you to the conversation you had alone with Mr. Ehrlichman when you stated that you did not want to see the President, you stated further, according to the transcripts of your meeting with Mr. Ehrlichman, that you did not want to embarrass the President. Could you tell me what you meant by that?

Mr. MITCHELL. Yes, on the same basis that I have described it this morning. The situation had turned to the point where I thought that

<sup>1</sup> See p. 212, pt. I.



the President would be better served and better off by dealing with the law enforcement people rather than having individuals come running to him with their individual stories. There apparently had been too much of that in the 2 preceding weeks.

Ms. JORDAN. How would it embarrass the President, Mr. Mitchell?

Mr. MITCHELL. By having the President be required to listen to different persons' stories with respect to their involvement or noninvolvement or the involvement of other people. That is the basis upon which he would be receiving information that was entirely outside the law enforcement agencies.

Ms. JORDAN. So would it be a fair statement that you felt it would embarrass the President to know the truth?

Mr. MITCHELL. No, never.

Ms. JORDAN. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Maraziti?

Mr. MARAZITI. Thank you, Mr. Chairman.

Mr. Mitchell, following out the area of examination instituted by Father Drinan, do you recall a meeting sometime in 1969 at which there was present, the President, Dr. Kissinger, and yourself, Dr. Kissinger at that time being the National Security Adviser to the President? Do you recall a meeting where Dr. Kissinger discussed his concern about security leaks from the National Security Council?

Mr. MITCHELL. Yes, I do, sir; at least one time and probably a number of times.

Mr. MARAZITI. And at that time, could you tell us briefly of Dr. Kissinger's concern? Did he express a concern about these leaks?

Mr. MITCHELL. The prime concern of Dr. Kissinger was that the carrying on of the foreign policy of this country in some very sensitive areas was, in his opinion, being very greatly impeded by stories that were appearing in different newspapers. And he felt so strongly about it that he felt that the matter had to be taken care of and ratified if the foreign policy of the country was to be properly structured.

Mr. MARAZITI. Was this the meeting at which it was revealed that the position of the U.S. Government on the SALT talks was revealed in the press before the holding of the SALT talks?

Mr. MITCHELL. I believe that that was a later matter. There were, however, a number of subject matters dealing with foreign policy which were of equally severe consequence.

Mr. MARAZITI. And Dr. Kissinger expressed the opinion that the continued leaks would be detrimental to foreign policy of the U.S. Government?

Mr. MITCHELL. Very definitely and definitively.

Mr. MARAZITI. And after this meeting, as I understand it, 17 wire-taps were placed on various persons, including staff of the National Security Council, is that correct?

Mr. MITCHELL. You used the number 17. I can't tell you whether it was 17 or not. I have seen those numbers referred to. I have not seen the documents that authorized them or have provided the summaries with respect to them. But there were a number of such taps placed.

Mr. MARAZITI. Thank you very much, Mr. Mitchell.

I would like to make an observation, Mr. Chairman, as Congressman Conyers has. He said he is shocked at the statements made by

Mr. Mitchell in view of the evidence already submitted to this committee. However, I would like to say that the testimony of Mr. Mitchell is evidence. It is evidence from a live witness. It is evidence that we must weigh and consider with all the other evidence and alleged evidence, including ex parte matters. So I would like to say that this is for the committee to consider and certainly, the committee may give whatever weight they desire to any of the testimony given here, including the testimony of Mr. Mitchell.

The CHAIRMAN. I am going to recognize Mr. Mezvinsky out of order, since Mr. Mezvinsky has some business to attend to on the floor pertaining to the committee.

Mr. Mezvinsky.

Mr. MEZVINSKY. Thank you, Mr. Chairman.

Mr. Mitchell, when has been the most recent contact you have had with the President or with the White House—either by you or by counsel or by anyone associated with you?

Mr. MITCHELL. Well, I can't speak for counsel. You will have to swear him in and interrogate him.

Mr. MEZVINSKY. Well, when is the last time—

Mr. MITCHELL. What do you mean by the White House?

Mr. MEZVINSKY. When is the last time you have had contact either with the President or any of his close advisers, in the White House and on his staff?

Mr. MITCHELL. Well, close advisers is another question. I guess the last one would be, oh, 2 or 3 weeks ago, I had dinner in New York with Mr. Richard Moore and his brother, the Ambassador to Ireland. Is that the type of information you want?

Mr. MEZVINSKY. Yes, I just want to know roughly when you had your last contact.

Mr. MITCHELL. That, I guess, would have been the last personal contact that I had.

Mr. MEZVINSKY. Have you had any contact within a month or within a week's period from that—no phone calls, no contacts at the White House? I am just trying to get an understanding of what you have had.

Mr. MITCHELL. Within a week or a month of that meeting?

Mr. MEZVINSKY. Just sort of give me within a recent period of that social engagement or that dinner.

Mr. MITCHELL. Well, I had dinner with Mr. Leonard Garment in New York, but I guess that would have been 3 or 4 months ago.

Mr. MEZVINSKY. OK, that is sufficient. Thank you.

We have had, and you have admitted talking to the President on June 20, 1972, is that correct?

Mr. MITCHELL. Yes, sir.

Mr. MEZVINSKY. And the President has indicated, as you know, or you may have read or you may also know, he has a dictabelt and he dictates his conversations, what he has, concerning activities of that day. And you have indicated that both in front of this committee as well as to the Senate Watergate Committee, you didn't really want to tell the President about the activities, I gather, on the 20th; you seemed embarrassed and you regretted that you had not policed all the people that were in the Committee to Re-Elect the President, is that correct?

Mr. MITCHELL. Well, that is close enough. I testified to that—

Mr. MEZVINSKY. In substance, that is basically what you told the President?

Mr. MITCHELL. That is close enough, yes.

Mr. MEZVINSKY. Now, what steps did you take to make certain that everybody would be prosecuted that violated the law? Because you were on notice, weren't you, Mr. Mitchell, that there was a clear violation of law? What steps did you personally take?

And again, I would ask if in fact, you were on notice of violations of law, why didn't you, again, tell the President of this clear violation?

Mr. MITCHELL. Well, first of all, I was a private citizen. Second, the President is not in charge of investigations. Third, there was a full investigation of the matter being conducted by the Federal Bureau of Investigation and the U.S. Attorney's Office.

Mr. MEZVINSKY. Well, then, how do you perceive your function upon knowledge of this? Do you view it as one to bring it to the attention of the proper authorities for prosecution? Or do you view it as simply silence? Or do you view it as defending or protecting those involved?

Mr. MITCHELL. I viewed it as particularly of silence due to the position that I held in connection with the campaign for the reelection of the President, which I have testified at great length before the Select Committee. I thought was the paramount interest of this country.

Mr. MEZVINSKY. So you think it was proper, upon being notified and fully aware of clear violations of law, to simply take the kind of action of silence that you have done and not tell the President when you did have the opportunity to talk to him on the 20th of June?

Mr. MITCHELL. On the 20th of June, I was not aware of any of the circumstances—

Mr. McCLORY. Mr. Chairman, I would object to the question as containing conclusions of the questioner with regard to clear violations of law.

Mr. MITCHELL. I was going to get to that one next. But I wanted to make sure that he fully understood that on the 20th of June, when I talked to the President, I did not have any of this knowledge.

Mr. MEZVINSKY. You were on notice that—

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLORY. Let the witness answer.

Mr. MEZVINSKY. Could I have him at least answer that question? Did you care to complete your statement?

Mr. McCLORY. Did you care to complete it? I won't repeat it.

Mr. MITCHELL. I would like to follow through on the point Mr. McClory made, which I was getting to after pointing out that I didn't have the knowledge when I talked to the President on the 20th of June. That is that you have run to conclusions that I did not have definitive information on.

You had another question that you wanted me to answer.

The CHAIRMAN. No, his time has expired.

Mr. MITCHELL. I don't want to take over the Chair, you can rest assured of that.

The CHAIRMAN. Mr. Latta?

Mr. LATTI. Mr. Chairman, I will yield to the gentleman from Iowa if he has one question he wants to ask.

Mr. MEZVINSKY. Thank you.

The last point is, I guess, I am disturbed that you said you didn't want to bring this to the attention of the President, you didn't want to embarrass him, you didn't want to get him involved. Then you pointed out about other Cabinet members that felt somewhat the same way. In view of the acts that transpired, can I just make the question—is this the kind of President that you conceived him to be, to not have this information?

The CHAIRMAN. I think the question is not a proper question.

Mr. MEZVINSKY. Well, Mr. Chairman, let me at least explain the reason I want to ask the question. I think we have a very unusual situation.

Mr. DENNIS. Mr. Chairman.

Mr. MEZVINSKY. Mr. Latta, may I at least explain it.

The CHAIRMAN. The time is that of the gentleman from Ohio.

Mr. LATTA. I am a very charitable man at heart, so I will let you explain it.

Mr. MEZVINSKY. Thank you, Mr. Latta.

Mr. Chairman, I think we have an unusual situation where a person talks to the President 3 days after a break-in and tells the Senate Watergate Committee and tells this committee that he didn't want to tell the President whatever knowledge he had—and I am just concerned as to the perception that this witness has as to the kind of President he conceives him to be to make such a statement to this committee, as well as not tell the President. That is the reason for my question.

Mr. HUNDLEY. Could I object?

Mr. MITCHELL. Wait a minute. There is no question before the House.

The CHAIRMAN. Have you finished the question, Mr. Mezvinsky?

Mr. MEZVINSKY. Yes, the question is, is this the kind of President that the gentleman perceived the President to be?

Mr. MITCHELL. Congressman, I think your statement is a non sequitur and would have nothing to do with the type of President I conceived this one to be.

Mr. MEZVINSKY. That shall suffice, Mr. Chairman. Thank you.

The CHAIRMAN. Mr. Latta still has time remaining.

Mr. MEZVINSKY. Mr. Latta, I thank you for yielding to me.

Mr. BUTLER. The whole committee does.

Mr. LATTA. Mr. Mitchell, I only have a couple of questions.

In any of your conversations with the President of the United States, did he ever indicate to you, either directly or indirectly, that he had any prior knowledge of the break-in at the Democratic headquarters?

Mr. MITCHELL. No, sir.

Mr. LATTA. At any time, did he ever indicate to you, directly or indirectly, that he had any knowledge that these payments for legal fees and living expenses were being made?

Mr. MITCHELL. No, sir.

Mr. LATTA. One final question has been asked of me many, many times since this break-in: At a time when the President of the United States was running way ahead of his opponent in the polls, could not possibly lose that election if he just stayed out of jail, I wonder why,

for what purpose, if you know, this undertaking was made? In fact, somebody has said to me that it appeared to them like somebody from General Motors breaking into Ford headquarters to steal the Edsel secrets. Now, I would just like to know if there was any reason ever given for breaking into Democratic headquarters?

Mr. RANGEL. Mr. Chairman, I object. This witness is on trial and I would not want him to jeopardize his right to a fair trial to give you the reasons for the burglary. So I object, Mr. Chairman.

Mr. LATTA. I will ask the Chair to rule on that, because I would just like for my own personal knowledge to know why in the name of sense they would ever do a thing like that in the first place.

The CHAIRMAN. The Chair would have to insist that the interrogator ask his question in some other manner; otherwise I think that the witness is being asked to pass on something that I think is going to, in some way, prejudice him.

Mr. MITCHELL. Mr. Chairman, I think we can cut all that short, because Mr. Hundley advised me that there was always a possibility of McGovern winning because he was working for him. So that dilutes the question.

Mr. LATTA. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Thornton.

Mr. THORNTON. Thank you, Mr. Chairman.

Mr. Mitchell, you testified, I believe, that Mr. Haldeman filled the role more or less described as chief of staff to the President in the White House?

Mr. MITCHELL. That certainly was his function, and I believe it was his title.

Mr. THORNTON. As such, he was a conduit of information for different people to and from the White House, is that correct, sir?

Mr. MITCHELL. To the President, within and without the White House.

Mr. THORNTON. Did you—

Mr. MITCHELL. Excuse me, there were also matters that would be brought to the President's attention through Mr. Ehrlichman of the Domestic Security Council.

Mr. THORNTON. In your own situation, there were some occasions on which you would contact the President directly, were there not?

Mr. MITCHELL. Oh, yes, sir.

Mr. THORNTON. Were there other occasions on which you would feel that you could pass the information through Mr. Haldeman?

Mr. MITCHELL. Frequently.

Mr. THORNTON. In passing—would there be occasions when the President might communicate directly with you? On the matter which he desired you to perform?

Mr. MITCHELL. Very frequently.

Mr. THORNTON. Were there occasions in which you would receive information from Mr. Haldeman?

Mr. MITCHELL. Yes sir, coming from the President.

Mr. THORNTON. Did you ever check to determine whether or not the information relayed to you through Mr. Haldeman was a correct reflection of the President's instructions?

Mr. MITCHELL. There may have been occasions, Congressman, but

I would have to say that in most all instances that I can recall, Mr. Haldeman's representations to me of the President's position were truthfully and fully stated.

Mr. THORNTON. Did you ever check with the President to determine whether information you had passed toward him through Mr. Haldeman had been received by him?

Mr. MITCHELL. No, I don't believe I did, but I think there again, the record of actions coming from such line of communication would indicate that they were fully and faithfully conveyed.

Mr. THORNTON. Did you ever hear the President criticize Mr. Haldeman for failing to perform assignments in the nature of communication to other people or for failing to report to him on information received by Mr. Haldeman?

Mr. MITCHELL. I don't recall any offhand, Congressman.

Mr. THORNTON. I yield back the balance of my time.

The CHAIRMAN. Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. Mitchell, from the time you left your office on the evening of March 20 until the time you came to your office on the morning of March 21, 1973, did you make any telephone calls to Mr. Ehrlichman, Mr. Haldeman, or the President?

Mr. MITCHELL. I have no recollection of it whatsoever.

Ms. HOLTZMAN. Does that mean you don't recall one way or the other, or you recall that you did not make any such calls?

Mr. MITCHELL. I feel quite certain that I didn't call the President. The other ones were Ehrlichman, Haldeman—

Ms. HOLTZMAN. Yes.

Mr. MITCHELL. I have no recollection of it.

Ms. HOLTZMAN. You mean you recall that you did not make any such calls?

Mr. MITCHELL. No, I have no recollection of making any calls, but it was not my practice to call those people at night. So my guesstimate would be I did not.

Ms. HOLTZMAN. Do you have any records of phone calls made from your personal phone?

Mr. MITCHELL. No, I did not. They have never been put together.

Ms. HOLTZMAN. Do you have them in some place?

Mr. MITCHELL. I don't know.

Ms. HOLTZMAN. Well, may I ask the Chair to ask Mr. Mitchell's counsel, in the event that Mr. Mitchell has any telephone records regarding phone calls made from his home on the evening of the 20th or the morning of the 21st to the White House or White House personnel, that we be provided with such records.

Mr. MITCHELL. I think I know what you are getting at. One thing that you must remember is that at that time, there was somebody in my family that made a lot more phone calls than I did. They were frequently made at night and frequently made to Washington.

Ms. HOLTZMAN. You mistake what I was getting at.

Mr. Chairman, could we have counsel for Mr. Mitchell provide such records if they are available, to the committee?

The CHAIRMAN. If they have them.

Mr. MITCHELL. It is quite conceivable that my secretary still has the toll call records for my calls.

Ms. HOLTZMAN. I would appreciate that.

Mr. MITCHELL. Sure.

Ms. HOLTZMAN. Do you recall receiving any telephone calls during that period of time, from the time you left your office on the evening of the 20th of March to the time you returned to your office on March 21, 1973, of receiving any telephone calls from Mr. Haldeman, Mr. Ehrlichman, or the President, at home?

Mr. MITCHELL. I can say no about the President. I am not certain about Mr. Haldeman or Mr. Dean. I have no recollection of them.

Ms. HOLTZMAN. One way or the other?

Mr. MITCHELL. No recollection.

Ms. HOLTZMAN. Now, Mr. Mitchell, directing your attention to the conversation you had with the President on June 20, 1972, you stated in response, as I recall, to Mr. St. Clair's question that you covered other subjects with the President aside from your expression to him of regret regarding your failure to police activities of White House personnel. Can you tell me what other subjects you covered in that conversation?

Mr. MITCHELL. No, I cannot. I said it was my recollection that we had. And since the President was calling me, he was obviously calling about some other subject matter, which was discussed. This would be my conclusion.

Ms. HOLTZMAN. But nothing that the President said to you in response to your expression of regret sticks in your mind today?

Mr. MITCHELL. No, it does not.

Ms. HOLTZMAN. Did the President say to you in words or substance, don't worry about this, we will be able to keep the lid on it?

Mr. MITCHELL. No, I am sure that there was no such conversation at that time.

Ms. HOLTZMAN. Did you ever have a conversation with him along those lines?

Mr. MITCHELL. Where he said, don't worry, we can keep the lid on it?

Ms. HOLTZMAN. Yes.

Mr. MITCHELL. No, ma'am, I have never had an occasion to receive such a communication from the President.

Ms. HOLTZMAN. Mr. Mitchell, you say that you have no recollection of the nature of the three calls that were made to the White House on the 21st of March from your office phone in New York. Is that correct?

Mr. MITCHELL. No, that is not correct. I have no personal recollection of what I have testified is that counsel, Mr. Hundley, were advised that Mr. Haldeman's log shows that there were calls made, at least one or two, having to do with establishing the time period from my coming down on the 22d, and also arranging for transportation to pick me up at the airport to take me into Washington.

The CHAIRMAN. Ms. Holtzman, your time has expired. We are going to have to go to the floor. I know there are a couple more left and I know that there is a final vote that is coming up after this, which is merely a record vote on an amendment. We will probably be about 20 or 30 minutes before we get back. So you will be requested to wait.

Mr. MITCHELL. I gather we didn't have any options.

The CHAIRMAN. I merely made the request.

[Recess.]

The CHAIRMAN. The committee will come to order.

Mr. OWENS?

Mr. OWENS. Thank you, Mr. Chairman.

Mr. Mitchell, one of the problems of being 38th on this totem pole is that many of the questions I wanted to ask are now gone. So I have some questions I want to clear up.

Were you ever specifically asked during this period—well, at any time, but I am specifically calling your attention to the period of March and April of 1973. Were you ever asked by anyone on the White House staff to step forward and take the blame, in essence? I know Mr. Rangel got you into this area, but I don't know that you answered that directly. Did anyone ever suggest on the White House staff that you take that action?

Mr. MITCHELL. No, the question was asked specifically by one of the members on the minority side this morning. My answer was, "Definitely not."

Mr. OWENS. You were named as a big enchilada in what, as I read some of the transcripts, was an attempt on some of the members of the President's staff to do exactly that. Did there come a time when you got the feel—the definite feeling that you were being singled out for that honor?

Mr. MITCHELL. I did in a conversation with Mr. Dean in April. He apparently had been privy to some of these conversations and he was the only one suggested that the conversations had taken place. Nobody ever—

Mr. OWENS. Mr. Dean informed you of that?

Mr. MITCHELL. Informed me of some of the conversations, not in any detail, but the—

Mr. OWENS. In April of 1973, he informed you of that?

Mr. MITCHELL. In April of 1973, yes.

Mr. OWENS. And he referred to other members of the President's staff?

Mr. MITCHELL. Yes, he did.

Mr. OWENS. As having that desire?

Mr. MITCHELL. As having undertaken those discussions.

Mr. OWENS. And apparently, you rejected that with some fervor?

Mr. MITCHELL. Well, as I answered the question before, if anybody had approached me on the subject matter, I am sure there would have been assault and battery charges one way or the other.

Mr. OWENS. Well, Mrs. Mitchell, as I recall, sometime during the summer, said on two or three occasions that she thought that was exactly what was being attempted by members, I presume of the President's staff, and presumably, even higher. Were there any facts of which you are aware upon which—well, let me just ask it more openly. Were you aware of any reason that she would make that claim, any basis—

Mr. MITCHELL. None whatever. I think that is hearsay, coming from a party that I would not suggest that you call as a witness.

Mr. OWENS. Well, we have selected our witnesses prior to this time. We might say, if I can say half jokingly, that she might have a better memory, she might be able to recall more.

Do you recall whether, on the night of March 20, 1973, when I



think your testimony has been that you may have heard from Mr. Dean at home—he has testified that he called you at home that night—do you know whether Mrs. Mitchell might have been at home that night?

Mr. MITCHELL. I presume she was, but I would have no definite recollection of a particular day—

Mr. OWENS. You don't specifically recall?

Mr. MITCHELL. No, I do not. The date means nothing to me.

Mr. OWENS. Did you testify that at that point, Mr. Dean did or did not tell you of some possible demands by Mr. Hunt for a cash payment?

Mr. MITCHELL. As of the telephone conversation in the area of March 20?

Mr. OWENS. Yes, from Mr. Dean.

Mr. MITCHELL. I have no recollection of Mr. Dean having discussed it with me in that time area.

Mr. OWENS. Nor did he—well, it is your testimony that you don't recall that there was any conversation at all?

Mr. MITCHELL. Very definitely not, and it is my recollection that the first and only time that I heard about the subject matter was from Mr. LaRue.

Mr. OWENS. When you spoke—well, I guess you just answered my next question.

You had not heard of any demands at all until you spoke to Mr. LaRue, any cash demands from Mr. Hunt.

Mr. MITCHELL. In connection with this time frame about the—

Mr. OWENS. That is your testimony?

Mr. MITCHELL. That is correct.

Mr. OWENS. I yield to Ms. Holtzman.

Ms. HOLTZMAN. I thank the gentleman for yielding.

Mr. Mitchell, when I was asking you about the period from the time you left your office on the evening of March 20 to the time that you returned to your office on the morning of March 21, you explicitly excluded the possibility of having spoken to the President of the United States during that period of time. I take it your testimony was that you did not similarly exclude the possibility of having spoken to Mr. Haldeman or Mr. Ehrlichman during that time, is that correct?

Mr. MITCHELL. I can't do that, specifically exclude it. I have no recollection. It was not the practice of Mr. Haldeman or Mr. Ehrlichman to call me at home at night, but it could have happened.

Ms. HOLTZMAN. Thank you.

Mr. OWENS. Mr. Mitchell, if I have 30 seconds left, you said something that intrigued me, though I suspect it was in jest. There was reference made by Mr. Rangel to the President's submission of transcripts of tapes and you said, "I have seen them, but I am not sure whether I saw the unexpurgated version or the regular version." I am wondering, because we would like to subpoena it, if there is one available, is there an unexpurgated version?

Mr. MITCHELL. This came out of our discussion here with respect to the three copies. You apparently have produced a copy here with respect to the meeting of March 22. The prosecutor's office has got another.

Mr. OWENS. Well, those deal with different subject matters, though there is some overlap between the two. I was referring to those that the President voluntarily submitted to the public.

Mr. MITCHELL. I have no knowledge of the existence of other tapes or who even has copies of the ones that he submitted.

Mr. OWENS. Thank you.

Mr. RANGEL. Will the gentleman yield?

Mr. OWENS. Yes, I will yield to the gentleman from New York.

Mr. RANGEL. Mr. Mitchell, do you believe that the transcripts as released by the President of the United States might adversely affect your chances for a fair trial?

Mr. HUNDLEY. I really think that would be calling for a legal conclusion on Mr. Mitchell's part.

Mr. RANGEL. Well, counsel could advise as to whether or not you include that among your many objections that you raised here.

Mr. HUNDLEY. Yes.

Mr. RANGEL. I yield back. Thank you.

The CHAIRMAN. Mr. Mitchell, I believe that in an answer to a question regarding the \$385,000 of that fund, you stated that this money did not come within your jurisdiction, is that correct?

Mr. MITCHELL. Are you talking about the \$350,000 that was over at the White House?

The CHAIRMAN. Yes; the \$350,000.

Mr. MITCHELL. That is correct, Mr. Chairman.

The CHAIRMAN. And you said that this money was used for polling?

Mr. MITCHELL. No, Mr. Chairman, I said that I had been advised that the money had been sent to the White House prior to April 7, 1972, for the purpose of use by the White House for polling.

The CHAIRMAN. Did CRP conduct any polling at all?

Mr. MITCHELL. You mean the Committee for the Re-Election of the President?

The CHAIRMAN. Yes.

Mr. MITCHELL. They conducted very extensive polling. Apparently, so much to the extent that it was acceptable to the White House and they didn't use it for their own private polling.

The CHAIRMAN. This was in addition, then, to the polling that apparently was conducted with that \$350,000 fund?

Mr. MITCHELL. Yes; very much so.

There was not any polling conducted with the \$350,000 fund. As I understood the purpose of the representations that were made as to why the White House wanted that money was so that they could do spot polling and polling by telephone on immediate issues where you want an answer the next day. The polling that the committee did was a planned wave polling that went into different areas at particular time factors and was all planned out in advance.

The CHAIRMAN. This, of course, was in conjunction with the campaign as well?

Mr. MITCHELL. Yes, sir, very much so.

When I say the campaign, I don't want to not leave the impression that issues are part of a campaign and frequently an issue comes up that may not have to do with voter preferences, but it does have to do with voter acceptances of issues. That was the origin concept of it.

The CHAIRMAN. Mr. Mitchell, I am just curious about one thing. I recall, and I don't know whether you testified to this today, but apparently, there was some reference made in one of your answers to a question about how you felt toward the President of the United States that some of these matters that came to your attention, which have proven to be very serious in nature, and of grave consequence, that you did not feel that you should disclose these matters to the President, is that correct?

Mr. MITCHELL. To answer a general question like that, yes. There are different time factors, there are different facts, and so forth, but yes.

The CHAIRMAN. But particularly the matters relating to Watergate?

Mr. MITCHELL. That is correct.

The CHAIRMAN. Yet you recognize that this is a matter that now, at least, has grown to such proportions that it is dire, it's grave. You recognize it or view it as such? The consequences of Watergate?

Mr. MITCHELL. Here again, Mr. Rodino, Watergate, or Mr. Chairman, Watergate has got to be a word that covers so many things. If you were just talking about the break-in at the Democratic National Committee, that is one thing. If you are talking about everything else that people are commonly referring to as Watergate, that is something else.

The CHAIRMAN. Well, I am talking to what we commonly now refer to as Watergate, which is a consequence of the break-in and what flowed from the break-in and the alleged coverup and whatever there might be. Following that, the various indictments that have occurred as a result and the pleas of guilty that have occurred of high Cabinet officials, people who today, who once were in high place in Government, as a result of what we know as Watergate now are either serving time or awaiting trial such as you are. Do you consider it now as something grave?

Mr. MITCHELL. Well, obviously, the circumstances are grave. But I would point out that many of the matters that you have just mentioned had nothing to do with Watergate and didn't necessarily flow from it.

Yes; I consider it grave.

The CHAIRMAN. Would you in retrospect have called these matters to the attention of the President?

Mr. MITCHELL. I have so testified, Mr. Chairman, and I continue to be of the belief that hindsight is always better than foresight. I think my decision was a bad one and the other course should have been taken.

The CHAIRMAN. Thank you.

Mr. WALDIE. Mr. Chairman, will you yield to me?

The CHAIRMAN. I yield to the gentleman.

Mr. WALDIE. Mr. Mitchell, as I understood that response and understood the response to a previous question, your position was to remain silent because of your feeling that the election of the President may be jeopardized and you felt so strongly about the necessity of the country's well-being be served by that event that you determined on a course of action to remain silent, which is passive. Were your concerns so great that you would actively have done anything to assure that result?

Mr. MITCHELL. Well, I think that is really a hypothetical question. That I can't answer.

Mr. WALDIE. Let me try to make it a direct one, then.

Did you actively take any steps to keep from the President information that would assist him in making a decision and in fact, to cover up the events of June 17, prior thereto or subsequent thereto?

Mr. MITCHELL. Other than not advising him fully of the knowledge that I had, no.

Mr. WALDIE. It was just, there were no active steps to coverup when you came across information, you simply did not transmit it to him?

Mr. MITCHELL. To the President, that is correct.

Mr. WALDIE. You did not advise any others before any other body such as the Senate Select Committee, grand juries, or elsewhere to take any steps to keep information from him?

Mr. MITCHELL. From the President? No sir.

Mr. WALDIE. Not from the President, but from coming forth to those bodies? For example, the Senate Select Committee. Were you engaged in any active steps to prevent information coming to the attention of the Senate Select Committee?

Mr. MITCHELL. Quite the contrary. I was recommending—

Mr. WALDIE. Would you have recommended that?

Mr. MITCHELL. Individuals be released of executive privilege and go testify.

Mr. WALDIE. Would you have recommended information be provided the Senate Select Committee that would have jeopardized the President's reelection campaign?

Mr. MITCHELL. Well, that wasn't in the same time frame, Mr. Waldie, and I hadn't considered that question, and I don't know what purpose it would be to consider it now.

The CHAIRMAN. I believe my time has expired.

Mr. WALDIE. Well, the Patman committee was within that time frame.

The CHAIRMAN. No, no. I am saying that my time, my 5 minutes has expired.

Mr. WALDIE. Well, if your 5 minutes expires, mine expires.

The CHAIRMAN. I am going to transgress on the 5 minutes.

Mr. MITCHELL, just one other question.

Mr. MITCHELL. You promise you won't yield?

The CHAIRMAN. I won't yield.

Mr. MITCHELL, did you know of a Mr. Rivers and a Mr. Baker?

Mr. MITCHELL. No, no, I did not. I, of course, heard those names come out of the Select Committee testimony. I think there was a Baker, and I don't remember but I heard the Rivers name come out. But, the individuals, whoever they were, I did not know them.

The CHAIRMAN. Well, thank you very much.

Mr. ST. CLAIR. Could I ask—

The CHAIRMAN. Mr. St. Clair.

Mr. ST. CLAIR. Could I ask one question, Mr. Chairman?

The CHAIRMAN. Mr. St. Clair.

Mr. ST. CLAIR. Sir, is it a fact that as a result of your discussions all White House aides were released of executive privilege and even attorney-client privileges to testify before the Senate Select Committee?

Mr. MITCHELL. I don't know as I can answer that, Mr. St. Clair. That definitive decision had not been made as of the discussions of March 22. I have heard from other sources that it was a determination that was made later on but I am not the best witness.

Mr. St. CLAIR. Well, you testified?

Mr. MITCHELL. I had nothing to do with the White House or anything else to do with it.

Mr. St. CLAIR. You know Mr. Haldeman and Mr. Ehrlichman testified?

Mr. MITCHELL. Yes, sir.

Mr. St. CLAIR. Mr. Dean?

Mr. MITCHELL. Yes, sir.

Mr. St. CLAIR. And others?

Mr. MITCHELL. Yes, they did.

Mr. St. CLAIR. That's all. Thank you.

The CHAIRMAN. Mr. Jenner.

Mr. JENNER. Thank you, Mr. Chairman.

Mr. Mitchell, in the course of your later testimony, I think in response to a question by one of the ladies and gentlemen of the committee you responded that you testified that you had a telephone conversation with Mr. Ehrlichman on June 18, that is 1972, Sunday, June 18. Is that so?

Mr. MITCHELL. I don't specifically recall whether I testified to it here or not but it is a fact.

Mr. JENNER. My recollection is you did. But, for that purpose I ask you the question as to whether you called him or Mr. Ehrlichman called you?

Mr. MITCHELL. Mr. Ehrlichman called me.

Mr. JENNER. And what did he say to you and what was your response?

Mr. MITCHELL. It was a very brief conversation. Mr. Ehrlichman said, "Have you heard about the break-in of the Democratic National Committee?" And I said, "Yes." And he said, "What do you know about it?" And I said, "Very little other than the fact that one of the people from the committee is involved and we are in the process of trying to find out what it's all about." That was the substance of the conversation.

Mr. JENNER. Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you, Mr. Mitchell, and you are excused.

Mr. MITCHELL. Mr. Rodino, I would like to state very much a great appreciation to the members of the staff here for all of the courtesies and the courtesies that the committee has shown to us. It has been very helpful in connection with our appearance. We appreciate it.

The CHAIRMAN. Thank you very much.

And the committee will recess until 9:30 tomorrow morning, at which time we will hear from Mr. Dean.

[Whereupon, at 6:20 p.m., the hearing was recessed to reconvene on Thursday, July 11, 1974 at 9:30 a.m.]



# IMPEACHMENT INQUIRY

THURSDAY, JULY 11, 1974

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The committee met, pursuant to notice, at 9:45 a.m., in room 2141 Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman) presiding.

Present: Representatives Rodino (presiding), Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eilberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson, McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne, Hogan, Butler, Cohen, Lott, Froehlich, Moorhead, Maraziti and Latta.

Impeachment Inquiry staff present: John Doar, special counsel; Albert E. Jenner, Jr., minority counsel; Samuel Garrison III, deputy minority counsel; and Evan Davis, counsel; Richard Gill, counsel; Gary Sutton, counsel; Bernard Nussbaum, counsel.

Committee staff present: Jerome M. Zeifman, general counsel; Garner J. Cline, associate general counsel, Alan A. Parker, counsel; Daniel L. Cohen, counsel; William P. Dixon, counsel; Arden B. Schell, counsel; Franklin G. Polk, associate counsel; Thomas E. Mooney, associate counsel; Michael W. Blommer, associate counsel,

Also present: James D. St. Clair, special counsel to the President; John A. McCahill, assistant special counsel; and Malcolm J. Howard, assistant special counsel.

The CHAIRMAN. The photographers will please clear the room.

Will the Clerk please ask the witness to come into the room.

Mr. Dean, will you please stand.

Mr. Dean, you have the right to remain silent and not to provide any testimony or information which may tend to incriminate you. But, if you do testify, anything you say here may be used against you in any other legal proceeding. You have the right, however, to consult with an attorney prior to answering any question or questions, as counsel may accompany you for the purpose of advising you of your constitutional rights.

You have been provided, I understand, with a copy of the rules of the House and the rules of the committee.

Mr. SHAFFER. We have.

Mr. DEAN. Correct.

The CHAIRMAN. Would you kindly stand and raise your right hand.

Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DEAN. I do, so help me God.

**TESTIMONY OF JOHN W. DEAN III, ACCOMPANIED BY CHARLES  
NORMAN SHAFFER, COUNSEL**

The CHAIRMAN. Could you please state your name and identify your counsel, please be seated.

Mr. DEAN. John W. Dean III is my name, and I am accompanied by my counsel, Mr. Charles Norman Shaffer.

The CHAIRMAN. Mr. Doar:

Mr. DOAR. Mr. Dean, will you briefly tell the members of the committee your background and experience, occupation?

Mr. DEAN. Well, I am a lawyer by training and professional school. I served for some time as a minority counsel of this committee. I then went on to become the Associate Director of a commission rewriting the Federal Criminal Code.

From there I went to the Justice Department to serve as the Associate Deputy Attorney General for Legislation, and from that position, in July of 1970 I went to the White House to serve as Counsel to the President.

Mr. DOAR. Briefly could you tell us the nature of your duties as Counsel to the President?

Mr. DEAN. The principal function of the Counsel's office and the responsibility of that office involving their assignments to me was to provide general legal advice to the White House staff, to work in the areas of conflict of interest for newcoming staff members, to help in the clearance process of Presidential appointees, and to handle miscellaneous legal requests from the staff in coordinating those with the departments and agencies. The office work in the area of handling requests for executive clemency.

I was also involved in that position in dealing with the demonstrations, which was a carryover from some of the responsibilities that I had had while at the Department of Justice. And there was a certain degree of, for lack of a better, fire fighting, when different areas would come up my supervisors would instruct me to get involved in those areas.

Mr. DOAR. To whom did you report while you served as Counsel to the President?

Mr. DEAN. Well, I think on a White House chart I would probably have fallen under Mr. Haldeman's jurisdiction. But, as a practical matter, Mr. Ehrlichman having been the counsel before me and maintaining a certain interest in some of the things that the counsel's office did, that I from time to time would report to Mr. Ehrlichman as well as Mr. Haldeman.

Mr. DOAR. To what extent did you have a relationship with the Attorney General, John Mitchell, prior to the time that he resigned as Attorney General while you were Counsel to the President?

Mr. DEAN. Well, from time to time there would be matters that would occur at the White House that I would be contacted by Mr. Mitchell, or instructed to contact Mr. Mitchell so that I would say that I maintained periodic contact with the Attorney General, Attorney General Mitchell after I left the Department and assumed my position in the White House.

Mr. DOAR. What was the frequency? What was the frequency of your reporting to Mr. Haldeman, the regularity of it?



Mr. DEAN. Well, that again was an evolving reporting relationship. Initially I would get requests from Mr. Haldeman's office principally through Mr. Higby, and send them back to Mr. Haldeman through Mr. Higby. And as time progressed, I found myself having more and more direct dealings with Mr. Haldeman.

At one point he initiated morning meetings of all of his staff, those principal, what he called office heads under his jurisdiction, so I would then meet with him almost daily during the time we had those meetings. So, I would say that I reported to Mr. Haldeman quite frequently.

Mr. DOAR. Can you give us the period of time or when those morning meetings were held? During what period you were at the White House?

Mr. DEAN. That would be in 1971 and early 1972. They were terminated as we got closer to the campaign.

Mr. DOAR. Turning to the 1972 campaign, did you have any responsibilities in connection with the 1972 Presidential campaign?

Mr. DEAN. Yes, I did.

Mr. DOAR. And what were those responsibilities?

Mr. DEAN. I was told by Mr. Haldeman in 1971 that he was instructing all of the offices in the White House that they should try to eliminate as much of the daily diet of work that seemed nonessential to White House functions to begin to focus on problems of the campaign. He told me that one of my primary responsibilities would be to make sure that there was general compliance with all of the election laws, that I should work with the people at the re-election committee to make sure that they were established and functioning under a manner that was in compliance with the election laws, and I would say that was my principal relationship to the campaign.

Mr. DOAR. Did Mr. Haldeman give you any assignments with respect to political intelligence activities?

Mr. DEAN. Yes, he did.

Mr. DOAR. Could you tell the committee about that, please?

Mr. DEAN. Well, when I—when you use the term political intelligence activities, it was in the broadest sense that we discussed it, the fact that I had worked with the demonstration problem, and the fact that we anticipated that there would be demonstrations that would affect the campaign.

Mr. Haldeman told me he wanted to make sure that we had the best intelligence possible as to what was likely to happen, and that the re-election committee should have a unit that was capable of dealing with those problems, and an incidental function of that would be any political intelligence they gathered also.

Mr. DOAR. Did you have any instructions with respect to the use of illegal means in gathering political intelligence?

Mr. DEAN. I don't believe that was specifically discussed when Mr. Haldeman first raised it at all.

Mr. DOAR. When was this first raised with Mr. Haldeman, this first assignment? Can you fix the time?

Mr. DEAN. I would say it was approximately a year before, or I would say 8 months to a year before the re-election committee was actually established.

Mr. DOAR. When was that?

Mr. DEAN. That would be in 1971.

Mr. DOAR. The re-election committee was established in late 1971?

Mr. DEAN. That's my recollection; yes.

Mr. DOAR. I see. So, you began to devote some part of your time and attention to campaign activities, thinking about them, in the early part of 1971?

Mr. DEAN. That is correct. My office did work with regard to the new election law that was then in the Congress, how it affected the Presidential campaign. We were concerned in following that, and I had numerous conversations with the people over at the Re-Election Committee as they were going over on problems they were confronted with in the election law area.

Mr. DOAR. Did you continue to devote some of your time to these problems of the election campaign problems up to and through June of 1972?

Mr. DEAN. Yes; I did.

Mr. DOAR. Prior to —

Mr. DEAN. And I would say after that date also.

Mr. DOAR. Prior to June of 1972, did you know Gordon Liddy?

Mr. DEAN. Would you repeat the question, please?

Mr. DOAR. Did you know Gordon Liddy?

Mr. DEAN. Yes; I did.

Mr. DOAR. When? Prior to June of 1972?

Mr. DEAN. Yes; I did.

Mr. DOAR. When did you first come to know him?

Mr. DEAN. The circumstances under which I first came to know Mr. Liddy was when Mr. Magruder was seeking somebody to come over to the Re-Election Committee to serve as general counsel, and a function of the general counsel's office was going to be to deal with the problem of demonstrations and the type of political intelligence we just discussed. I had been asked that, by Mr. Magruder, that a man who worked for me, Mr. Fielding, be assigned to come over.

I told Mr. Magruder that that was not possible, and he asked me to help him find somebody else because they were desperately in need of somebody, time was pressing on. I then went to—I was thinking about Mr. David Young, who I had come to know about in October of 1971, and we had a trip together, and I had talked to him, and he seemed like a bright, capable guy, and was a good lawyer, and would be able to go over and do it.

I talked to Mr. Krogh about Mr. Young's going over, and he said that that wasn't feasible, that Mr. Young was involved in a declassification study that was being conducted, and suggested that Mr. Liddy, who had pretty well wound up his function, but was still on Mr. Krogh's staff, might be the man that could be of assistance. And he would approach Mr. Liddy about it. He did.

I had a meeting with Mr. Liddy and with Mr. Krogh, and Mr. Liddy was interested, and we then went on to discuss it with—well, he went on to discuss it with Mr. Ehrlichman, and then when that was approved I took Mr. Liddy over to meet—in November—to meet Mr. Mitchell.

Mr. Mitchell thought it was a good idea. but thought that he ought to meet Mr. Magruder, and then in December I took Mr. Liddy over

to meet Mr. Magruder, and Mr. Magruder was anxious to have him, so he was hired very shortly thereafter.

Mr. DOAR. At that time did you know anything about the work that Mr. Liddy had performed as a member of the plumbers operation, at the time in November and December of 1971?

Mr. DEAN. I knew he had been in the plumbers operation. I didn't know what he had done for the plumbers operation, and didn't know what the plumbers operation had done other than in the broadest terms they were working in the leaks area, and they were working on a declassification project.

Mr. DOAR. Prior to June of 1972 did you know a man named E. Howard Hunt?

Mr. DEAN. I think I had met Mr. Hunt on one occasion in Mr. Colson's office. I had seen him there. He used to sit on the sofa outside Mr. Colson's reception area, and finally one time I asked Mr. Colson who he was. And he said, well, he is a man who we have brought on as a consultant. He is a former CIA agent, and I had just a casual introduction, and that was the only time I ever recall meeting Mr. Hunt.

Mr. DOAR. Can you fix the time of that meeting?

Mr. DEAN. No; I can't put a specific date on that now.

Mr. DOAR. Now, do you recall learning about the Watergate break-in following its occurrence on June 17, 1972?

Mr. DEAN. Yes; I do.

Mr. DOAR. When did you first learn about it?

Mr. DEAN. I learned about it when I had returned from a trip to the Far East. I landed in San Francisco. I was planning—I was tired from a rather lengthy flight. I had flown directly from Manila through Tokyo, and on into San Francisco, and I guess I had been on a plane 20 hours or so, and I was tired.

I called my office to check in.

Mr. DOAR. Can you fix the date of that time?

Mr. DEAN. Yes; I arrived in San Francisco on the 18th. There were several datelines crossed there and I have had to think about a minute as to which day I left.

Mr. DOAR. How long a trip had this been?

Mr. DEAN. It had been a brief trip. I had been gone about 7 days. And when I arrived in San Francisco I called Mr. Fielding to tell him I was going to spend a couple of days in San Francisco before returning to the office so he shouldn't anticipate my return. He told me that he thought I should return. He wasn't terribly explicit, and I asked him—I was trying to persuade him that I saw no reason why I should return.

And he told me that well, John, there are some things that I will tell you when you get back, but you should get back here.

Well, knowing Mr. Fielding, and the fact that I trusted his judgment, whatever it was, I thought I ought to get back, so I got on the next plane I could find east, and flew back in, and arrived late that night on the east coast here in Washington.

Mr. DOAR. Late that night would be Sunday the 18th?

Mr. DEAN. That is correct.

Mr. DOAR. Now, did you receive an assignment from one of your superiors in the White House with respect to the Watergate break-in?

Mr. DEAN. Yes; I did.

Mr. DOAR. Who gave you that assignment?

Mr. DEAN. Well, it was on Monday morning, the 19th, when I talked to Mr. Ehrlichman. And he called me to tell me what had occurred. And—

Mr. DOAR. What did he say?

Mr. DEAN. I was able to tell him at that time that I had talked to Mr. Caulfield and Mr. Magruder, and he told me that he was most interested in finding out if Mr. Colson had any involvement in this thing, and asked me to call Mr. Colson and see if I could determine if he did.

Mr. DOAR. Would you identify for the committee Mr. Caulfield and your relationship with him while you worked at the White House?

Mr. DEAN. Mr. Caulfield was assigned to my staff shortly after I came over in July of 1970. He did not exactly fit into the type of work the counsel's office was doing. His office really wasn't in our suite of offices. He was initially way down the hall and around the corner from us, and he began telling me some of the things he was doing for Mr. Ehrlichman in connection with investigations of various individuals, and the fact that he had had a man, who he only described to me by the name of Tony, who worked for him. And I really didn't at that time know in any great detail exactly what Mr. Caulfield did other than the fact that he was supposed to be on my payroll.

Mr. BUTLER. Excuse me, Counsel. Did he place the date when talking about Mr. Caulfield?

Mr. DEAN. July of 1970 or shortly thereafter he was assigned to my staff.

Mr. DOAR. I am not sure, did that answer your question, Congressman Butler?

Mr. BUTLER. Yes.

Mr. DOAR. Did Mr. Ehrlichman give you any further assignment with respect to the Watergate break-in?

Mr. DEAN. Yes; based on what I told him about my conversations with Mr. Liddy, he suggested I speak with Mr. Liddy.

Mr. DOAR. You had a conversation with Mr. Liddy?

Mr. DEAN. Yes; I did.

Mr. DOAR. When did you have that conversation?

Mr. DEAN. On June 17, or, excuse me, on June 19.

Mr. DOAR. What was that conversation?

Mr. DEAN. Well, I asked him to come over to my office, and about the time he arrived I was on my way around the corner to the lavatory, and I said, well, Gordon, why don't we just take a walk, which we did. And we went out, and out of the building, and walked down by the Corcoran Gallery, and at that time I asked him what had happened, and how it had happened, and he gave me, as I testified in some detail before the Senate, what had occurred.

Mr. DOAR. And did you report that to Mr. Ehrlichman?

Mr. DEAN. Yes; I did.

Mr. DOAR. And what assignment following that report, what assignment did Mr. Ehrlichman give to you?

Mr. DEAN. Well, the next thing I recall by way of assignment was that he wanted me to be in his office later that afternoon when Mr. Colson came over.

Mr. DOAR. I don't want to purport to go through your entire Senate Watergate testimony. I am trying to inquire with respect to if either directly or implicitly there evolved over within a few days after the Watergate a general assignment that you were given with respect to the Watergate break-in?

Mr. DEAN. Not to my recollection; no. It was just very ad hoc, something would come up and he would ask me to do something.

Mr. DOAR. And did this continue for a period of time?

Mr. DEAN. I would say it continued virtually during the whole time.

Mr. DOAR. And when you say the whole time——

Mr. DEAN. From June 19 until April 30, 1973.

Mr. DOAR. And did you then receive your directions from Mr. Ehrlichman with respect to the specific assignments you were to carry out with respect to the matters relating to the Watergate?

Mr. DEAN. In some instances; yes. In some instances I reported back to him things I was discovering, or being asked to do by Mr. Mitchell, some things that were my own ideas as to how to deal with problems, and that was the way the relationship evolved.

Mr. DOAR. Did you have any conversation with Mr. Haldeman with respect to the work that you were doing in connection with the Watergate?

Mr. DEAN. Yes, I did.

Mr. DOAR. Were those conversations—were you reporting to Mr. Haldeman frequently or irregularly?

Mr. DEAN. At first it was frequently, then it became irregular.

Mr. DOAR. For how long was it at first? Was that a matter of days or weeks?

Mr. DEAN. The first couple of weeks.

Mr. DOAR. And you mentioned Mr. Mitchell. What was your relationship with Mr. Mitchell during this period?

Mr. DEAN. Well, I met with Mr. Mitchell, as I recall the first time was on the night or evening of the 19th, and possibly again on the 20th at Mr. Mitchell's apartment. And there Mr. Mitchell wanted an update, and then we began to discuss various aspects of it, and he would request that I report certain situations and problems, as I testified to, to Mr. Ehrlichman and Mr. Haldeman.

Mr. DOAR. Now, when you made your reports to Mr. Ehrlichman, did you make them orally or in writing?

Mr. DEAN. Orally.

Mr. DOAR. Now when you made your reports——

Mr. DEAN. Well, with one exception. Very early on I did draft a memo. It was on a very minute matter of the signing of a letter that had been sent into the White House by Mr. Larry O'Brien, and I needed, of course, Mr. Ehrlichman and Mr. Haldeman's approval, so I sent the memo to both of them, but I decided about that time that would not be the sort of thing to reduce to memoranda.

Mr. DOAR. And when Mr. Ehrlichman would give you specific instructions, were those in writing or orally?

Mr. DEAN. They were orally.

Mr. DOAR. And what was the practice with respect to instruction received from Mr. Haldeman or reports by you to Mr. Haldeman?

Mr. DEAN. I would say with rare exception they were all oral.

Mr. DOAR. Did you ever, prior to September 15, 1972, report to the President directly about the things that you were doing with respect to the Watergate matter?

Mr. DEAN. No; I did not.

Mr. DOAR. Did you ever receive an assignment to conduct an investigation for President Nixon with respect to the Watergate break-in, prior to September 15th?

Mr. DEAN. No, I did not.

Mr. DOAR. Did you receive an assignment to conduct an investigation from any of your—either of your superiors, Mr. Haldeman or Mr. Ehrlichman, prior to September 15, 1972?

Mr. DEAN. Only to the limited extent that they would ask me, for example, what did Mr. Colson know about this. They would ask me questions, what did Mr. — what was Mr. Magruder's liability, what did I think about Mr. Magruder's staying at the re-election committee, what did I think about Mr. Mitchell staying at the re-election committee. Those were not investigations as such, but what information I had been able to pick up in my dealings with them.

Mr. DOAR. Well, did you conduct any independent investigation following the Watergate break-in?

Mr. DEAN. Only—excuse me.

[Short pause.]

Mr. DEAN. To answer the question, the only investigation I recall very clearly being instructed to conduct was that with regard to Mr. Segretti, and the relationship of Mr. Strachan and Mr. Chapin to Mr. Segretti, and that was in November of 1972. The types of instructions I got while I was going hither and yon were not to obtain investigative type of information, but to know how to deal with a situation.

Mr. DOAR. Did you have any instructions to seek to obtain investigative information that had been obtained or secured by others such as the FBI?

Mr. DEAN. Yes, I did.

Mr. DOAR. Could you tell the committee about that?

Mr. DEAN. Well, there was a continuing interest by all involved as to how far and what the FBI investigation was doing.

Mr. DOAR. Now, you said all involved. Could you be more specific?

Mr. DEAN. Yes, sir. Mr. Mitchell and Mr. Mardian, Mr. Haldeman, Mr. Ehrlichman, and there the request for the FBI information came principally from Mr. Mitchell and Mr. Mardian as to what was the scope and nature of their investigation. I discussed that with Mr. Ehrlichman, and he agreed it was a good idea if I could get the investigative material, I should get it.

When I first talked to the Attorney General about it, he didn't think it was a good idea. There was an idea that they would summarize it, and they could send a letter containing that summary, which was done. The letter was not considered satisfactory after Mr. Haldeman and Mr. Ehrlichman and Mr. Mitchell and Mr. Mardian read it, and they were more interested in the raw data.

And that's when I went back and asked Mr. Gray for the raw data.

Mr. DOAR. And did you receive raw data from Mr. Gray?

Mr. DEAN. Yes. Not complete, but I did receive some.

Mr. DOAR. The raw data, what do you mean, interviews?

Mr. DEAN. Interviews, and interoffice information, 302's as well as instructions to the different regional offices regarding the investigation.

Mr. DOAR. Did you receive this on a regular or periodic basis following the break-in?

Mr. DEAN. It was on a very periodic basis.

Mr. DOAR. I have asked you about Mr. Liddy and Mr. Hunt, and I would like to know when, if you learned of more details about Mr. Liddy and Mr. Hunt's prior activities while working at the White House?

Mr. DEAN. Well, it was principally Mr. Liddy's prior activities that I first learned about, and that I would say was after Mr. Caulfield had left my staff. He was at the Re-election Committee, and he told me of Mr. Liddy's involvement in the break-in and Dr. Ellsberg's psychiatrist's office.

Mr. DOAR. And about when was that?

Mr. DEAN. I would say April or May of 1972.

Mr. DOAR. So that you knew prior to June 17 that Mr. Liddy had engaged in this activity while a member of the White House staff?

Mr. DEAN. Yes, I did.

Mr. DOAR. Did you know any other details with respect to Mr. Liddy's activity?

Mr. DEAN. Prior to June?

Mr. DOAR. Yes.

Mr. DEAN. No, I did not.

Mr. DOAR. Did you discuss that with—

Mr. DEAN. Well now, that is—I did know of some of his work in the Treasury Department, and you are working with improper activities?

Mr. DOAR. I am talking about covert, illegal activities.

Mr. DEAN. No. That was the one I was aware of.

Mr. DOAR. Did you discuss that with Mr. Ehrlichman after June 17?

Mr. DEAN. Yes, I did.

Mr. DOAR. When did you discuss it with him?

Mr. DEAN. On June 19.

Mr. DOAR. And what did he say to you about it?

Mr. DEAN. Well, the exchange was that we were both aware of the fact that this had occurred, and we recognized this as one of the problems we were going to be confronted with in any investigation.

Mr. DOAR. Did you discuss that with Mr. Haldeman?

Mr. DEAN. I cannot recall if Mr. Haldeman was present at that meeting. He wasn't present on that day, I know, but I can't recall if he was present in a subsequent meeting when it came up or not, and I would be speculating to say.

Mr. DANIELSON. Mr. Chairman, a point of clarification. In response to a question I believe Mr. Dean said that this was on the 19th. I assume that means June 19, 1972, is that correct?

Mr. DEAN. Yes, sir.

Mr. DOAR. Did you, Mr. Dean, have a meeting with President Nixon on September 15, 1972?

Mr. DEAN. Yes, I did.

Mr. DOAR. You are aware of the fact that there was a recording made of that meeting?

Mr. DEAN. I was not aware at the time.

Mr. DOAR. No, no, not at the time, but you are aware now?

Mr. DEAN. Yes.

Mr. DOAR. And so it is not my purpose to question you about the meeting in any detail at all, but I would like to know, I would like to know if you would briefly indicate what was the amount of your contact with President Nixon prior to September 15, 1972, personal and direct contact?

Mr. DEAN. Well, I believe we had that in an earlier question, and to repeat, I had never spoken to him about the Watergate prior to that time. I had been in the office prior to that time, but never any discussions on this subject matter.

Mr. DOAR. Well, had you had other discussions with him about other legal problems prior to that time?

Mr. DEAN. Yes.

Mr. DOAR. And were these frequent or regular or irregular?

Mr. DEAN. Irregular.

Mr. DOAR. And how many discussions would you say you had had?

Mr. DEAN. Well, I never have been able to look at the entire log of my meetings with him, but the one that sticks in my mind is the meeting at which he signed his testamentary documents.

Mr. DOAR. Well, I am seeking to have you give the committee some indication during the time that you were at the White House, just prior to September 15, if you could give the committee an idea of whether you saw the President, reported to the President, and about how often?

Mr. DEAN. Well, it was extremely infrequent. The first time he called me shortly after I had assumed the post was, I don't recall how shortly after, but it was not long after, and he called me and asked me a question. He said that one of the girls, referring to one of his daughters, was in the office, and had asked him a question about Presidential succession, and he asked me if I could answer the question he had on it. I reached back for my copy of the Constitution which I had gotten from this committee, and it wasn't there, and I told him I would have to call him back. And so I dug out a copy of the Constitution, and read it, having worked on it while I was here, and answered his question. That was the only other meeting that I can recall other than the meeting when he signed his testamentary papers.

There may have been one or two other occasions. I was in the office, but there were certainly no discussions with him. The signing of his tax returns and things like that, I would merely take somebody in, stand there, and then depart the office.

Mr. DOAR. Now, how was the meeting on September 15 arranged?

Mr. DEAN. My secretary informed me that the President wanted me to come to the Oval Office.

Mr. DOAR. Had you had any prior contact or had you received any instructions from Mr. Haldeman prior to that meeting with respect to assignments in connection with the Internal Revenue Service?

Mr. DEAN. Prior to September 15?

Mr. DOAR. Yes.

Mr. DEAN. Not directly from Mr. Haldeman. I was in San Clemente. Mr. Higby stopped me and said, are you working with Murray Chot-



iner, and I said I don't know what you are talking about. He said well, you haven't talked to Ehrlichman about it yet, and I said, no, I have not. He said, well, I understand that you are supposed to work with Murray Chotiner. I said oh, and he said yes, Mr. Chotiner was drawing some lists, and that you were going to take care of it with the IRS.

I subsequently got ahold of Mr. Chotiner and Mr. Ehrlichman and found out what it was about.

Mr. DOAR. And what was it about?

Mr. DEAN. That Mr. Chotiner was collecting the names of all of the principal contributors in the McGovern campaign, and that he would draw a list, selecting certain groups of names, and that I would in turn ask Mr. Walters to have Internal Revenue Service audits conducted on these people.

Mr. DOAR. Did you meet with Mr. Walters about that?

Mr. DEAN. Yes, I did.

Mr. DOAR. And when was that meeting?

Mr. DEAN. In September, I would say mid-September of 1972. The date September 13 sticks in my mind, but I cannot be positive of that date.

Mr. DOAR. What was the purpose of that meeting?

Mr. DEAN. I had then received the Chotiner list, and my assignment was to ask Mr. Walters if it was possible to have audits conducted on all or any of these people.

Mr. DOAR. Did you discuss your assignment with respect to the IRS with the President during your meeting on September 15?

Mr. DEAN. I am not sure how directly or specifically it came up, but there was a, indeed, a rather extended discussion with the President on the use of IRS. He made some rather specific comments to me, which in turn resulted in me going back to Mr. Walters again.

Mr. DOAR. When you say the use of IRS, what are you talking about?

Mr. DEAN. Well, as I recall the conversation, we were talking about the problems of having IRS conduct audits, and I told him that we hadn't been very successful at this because Mr. Walters had told me that he just didn't want to do it. I did not—I did not push him. As far as I was concerned I was off the hook. I had done what I had been asked, and I related this to the President.

And he said something to the effect, well, if Shultz thinks he's been put over there to be some sort of candy ass, he is mistaken, and if you have got any problems, you just come tell me, and I will get it straightened out.

Mr. DOAR. Now, there has been testimony before the Committee with respect to a \$350,000 cash fund under Mr. Haldeman's control at the White House. Were you aware of that fund?

Mr. DEAN. Yes, I was.

Mr. DOAR. And when were you first aware of that fund?

Mr. DEAN. After June 19. I was aware of the fact there was going to be a fund there because Mr. Strachan had come to me and asked me if I could suggest anybody that could take out a safety deposit box. I told him I didn't have anybody in mind, and he said well, never mind. And the next time I heard about it was after the 19th.

Mr. DOAR. When you say after the 19th, can you fix the time a little more specifically?

Mr. DEAN. No, I can't. It was in connection with Mr. Sloan being debriefed by people at the Re-election Committee. Mr. Stans talked to him, Mr. Mardian talked to him, and there was just general knowledge that Mr. Sloan had distributed sometime before April 7 the \$350,000. Mr. Strachan also told me the same thing.

Mr. DOAR. I have never understood what was meant by debriefed. What do you mean by that?

Mr. DEAN. Well, I can tell you—I am—how I am using the term now.

Mr. DOAR. How do you use the term?

Mr. DEAN. Well, when the Special Prosecutor—after I pleaded, told me that they wanted me to be debriefed, and that was an extended questioning and answering as to all of my knowledge of various things that I had been involved in.

Mr. DOAR. Well, when you used it with respect to Mr. Sloan, what do you talk about?

Mr. DEAN. Well, they were asking Mr. Sloan, you know, what he knew of various aspects of the handling of money while he was Treasurer at the Re-election Committee or at the Finance Committee for the Re-election.

Mr. DOAR. Specifically were they asking him about what he knew about cash money? Is that right?

Mr. DEAN. I believe that's correct.

Mr. DOAR. Who was doing that questioning, just for the record, so the record is clear?

Mr. DEAN. I believe it was principally Mr. Stans and Mr. Mardian.

Mr. DOAR. Now, did any of that money ever come into your possession, any of that \$350,000?

Mr. DEAN. Yes, it did.

Mr. DOAR. And will you tell the committee the circumstances of that?

Mr. DEAN. Yes. Mr. Strachan and Mr. Dick Howard came to my office on the 19th or the 20th or 21st. I am not exactly sure which date it was, and told me that they had \$15,200, 15,2, and they were bringing it to me for safekeeping. They said it was part of a larger amount, some of which had been expended for some campaign ads. I don't know why they brought it to me, and I told them that I would keep it in my safe, and marked it on an envelope and told them I would put it in my safe and be prepared to account for it, as that's where it would remain, and this was a safe in my office.

Mr. DOAR. And did you keep that money in your safe in the office?

Mr. DEAN. Yes, sir. Well, yes and no. I kept it there, but I also, as I testified before the Senate, at one time in October took some \$4,850 out and made personal use of it.

Mr. DOAR. And did you replenish that money?

Mr. DEAN. Yes, I did.

Mr. DOAR. Now, with respect to the larger fund, did you know the amount of that fund?

Mr. DEAN. Yes, I did.

Mr. DOAR. What was the amount?

Mr. DEAN. Well, the total fund was 350 less the 22, less the 22 that had been given to Mr. Colson.

Mr. DOAR. So that there was \$350,000 and \$22,000 was withdrawn, \$6,800 was spent for advertising, and then \$15,200 came back to you for safekeeping?

Mr. DEAN. That's correct.

Mr. DOAR. Brought to you by Mr. Strachan and a Mr. Howard?

Mr. DEAN. That is correct.

Mr. DOAR. Now, subsequent to that time did you have any discussions about the use of the remaining \$328,000 for the purpose of making payments to the Watergate defendants?

Mr. DEAN. Yes, I did.

Mr. DOAR. And with whom did you have those discussions?

Mr. DEAN. Well, when the assignment was given to Mr. Kalmbach to raise such funds, there was an interest by Mr. Kalmbach in raising money anywhere and everywhere he could find it. He was very reluctant to go out to contributors and get money, and was looking for any and all available moneys. It was decided at that time that we would just say nothing about what was at the White House and, in fact, would try our best not to let any of that money get involved in this enterprise.

Mr. DOAR. You knew then that there were payments being made to the defendants?

Mr. DEAN. Yes.

Mr. DOAR. Did you authorize those payments?

Mr. DEAN. No, I did not.

Mr. DOAR. And to continue then, would you develop the further discussion that you had with respect to the use of the \$350,000?

Mr. DEAN. Well, there was concern at the White House that if Mr. Sloan were to testify that this money was at the White House, the White House, in a rather heated political climate, would be accused of having a slush fund.

Mr. DOAR. Let me interrupt you a moment. You say there was concern at the White House. Concern by who?

Mr. DEAN. Those that knew the fund was there, Mr. Haldeman and I principally were the ones that discussed this.

Mr. DOAR. I see.

Mr. DEAN. And Mr. Mitchell expressed some opinions on this also.

Mr. DOAR. All right. Go ahead. Please proceed.

Mr. DEAN. I was very acutely aware of the fact that Mr. Kalmbach was in need of money, and we were doing our best not to let any of the money we had be used. I was also aware of the fact that I had \$15,200 in my possession, and was very reluctant to have money I had directly handled myself for my own self protection be used for what I knew was an improper purpose. So, I had—I had talked about this with Mr. Stans. We had a problem with a campaign violation for the use of 1968, which I didn't discuss with him, and told him that we had to some way replenish the fund, and get it out of the White House. We talked about this on numerous occasions. Finally in November, late November of 1972, Mr. Stans informed me that he, that he had funds available, and if they were wanted we ought to get over there very quickly and get them. I do not recall specifically that he was saying that this should be done immediately. I don't—it's just not in my memory at this time.

However, I know that it was so fast I couldn't find Mr. Strachan, so I called Mr. Fielding in my office and said can you go over and pick up a package from Mr. Stans. I told Mr. Stans that Mr. Fielding would be over. I said, to Mr. Stans, I said Mr. Fielding won't know what he is over there to collect, but he will just get it back to Strachan. Stans said all right, and Fielding came back, and he was quite outraged at the fact that here Mr. Stans was counting out money in front of him. And I just said well, Fred, don't worry about that, that's nothing that involves you. I said just get it to Strachan as quickly as you can.

Well, the demands about this time were also increasing for money, and I think that was one of the problems why Mr. Stans wanted to get the money out of his own possession.

Within oh, a week at the most after, just a matter of days, actually, after Mr. Fielding had picked up the money, and it had been brought over, the demands reached to such a crescendo that something had to be done, and I received a call from Mr. Mitchell who said that we are going to have to use some of the money you have got in the \$350,000.

Mr. DOAR. Can you fix the time of that?

Mr. DEAN. Yes, that was—well, the delivery came on November 28, and as I recall, we had discussed both before that day—you have got to understand there are two levels of conversation going on here, one that Mr. Stans is not privy to, and another one that involves Mr. LaRue and Mr. Mitchell, and my conversations with Mr. Haldeman and Mr. Ehrlichman.

Well, the crescendo was reached, and I was asked by Mr. Mitchell to go to Mr. Haldeman and ask can we borrow some of that money, and we will replenish it again as soon as we get some more. So, I went to Haldeman and I said I frankly, Bob, don't have any—I don't like it. I don't have any better solution, but here is what we are being asked to do.

And he said, he said well, with the understanding we are going to get it back, give them the money. So, I instructed Mr. Strachan to deliver to Mr. LaRue, and work out the arrangements for the delivery with Mr. LaRue of I believe it was either \$40,000 or \$70,000. I am not sure on this day which it was.

Mr. DOAR. And that was early in December?

Mr. DEAN. That is correct.

Mr. DOAR. You have testified that the demands for money were increasing. What information came to your attention about that and from whom did it come?

Mr. DEAN. I was hearing it from the lawyers at the Re-Election Committee and—

Mr. DOAR. Identify them please.

Mr. DEAN. Mr. O'Brien and Mr. Parkinson, and I was then aware of the fact from Mr. Colson that he had received a telephone call from Mr. Hunt on the week of November 13 of 1972. He, in fact, had transcribed that conversation on an IBM dictabelt. He called me down to his office and he played the dictabelt and he said that he was going to have it transcribed. And I said well, I am not sure you ought to transcribe that, Chuck, why don't you just let me have it. And he was quite happy, he said, "I was going to send you a

transcript" is what he said, and I said, "No, I think you should just give me the dictabelt."

And I went down and recorded on a cassette recorder from my dictating machine a copy of this conversation. It was quite evident what was happening, and this just fit in with what I was being told by the lawyers, and this was a very clear demand from Mr. Hunt that now that the election was over he was expecting to be taken care of.

Mr. DOAR. What, if anything, did you do with the recording you made of that conversation?

Mr. DEAN. Well, Mr. Haldeman and Mr. Ehrlichman were at Camp David at the time working on the reorganization plans. My office really hadn't been involved in that, which was being kept quite secret at that time. So, I called Camp David and I spoke to Mr. Hullin, I believe is the one I spoke to, and told him that I thought that I ought to see Bob and John. He then arranged a meeting whereby I could come and see them, and I drove up on the morning of the 15th of November to Camp David with another member of the staff, and my sole purpose in going to see them was to make sure that they were aware of what was happening.

There were a couple of collateral matters dealing with Mr. Chapin that came up at that meeting, but we went back into the President's office in that lodge up there, and I played the tape recording for them.

Mr. DOAR. And what instructions did you receive following the playing of that tape recording?

Mr. DEAN. They told me I should—I told them that—

Mr. DOAR. What did you say and what did they say?

Mr. DEAN. I said I am going to see Mitchell this afternoon, and they said that you should take this problem to John Mitchell.

Mr. DOAR. And did you take that—

Mr. DEAN. There was one thing on the tape that was particularly, I assume, of concern to Mr. Mitchell. As I recall, Mr. Hunt had said that Mitchell had perjured himself.

Mr. DOAR. And did you take that up to New York and play it for Mr. Mitchell?

Mr. DEAN. Yes, I did.

Mr. DOAR. What was Mr. Mitchell's—what was the conversation with Mr. Mitchell after you played the tape?

Mr. DEAN. When the reference on the tape to the perjury came up, he said "Oh, I wonder what in the hell Hunt is talking about" and he gave me—I recall no instructions or said nothing. He did nothing at that time.

Mr. DOAR. And following that then, you have related you had discussions with Mr. Haldeman with respect to the \$350,000?

Mr. DEAN. That is correct.

Mr. DOAR. Now, you have testified about a transfer of either \$40,000 or \$70,000 in December by Mr. Strachan to Mr. LaRue. What happened to the balance of that money, if you know?

Mr. DEAN. Well, there were subsequent demands for the money and when—

Mr. DOAR. How were they communicated?

Mr. DEAN. From Mr. O'Brien. I was trying to think. I don't think

Mr. Parkinson was involved in those discussions at that time. From Mr. O'Brien, that there was still further need for more funds, that their needs had not been satisfied, and that something was going to have to be done. These were repeated. I would talk to Mr. Haldeman about it, and tell him that the actual language we used, which I happen to recall, is that they wanted another bite out of the apple. We also talked about the fact that they had not made the fund whole and had not replenished it, and we were very unhappy about that as they were promising us they would make that fund whole again, simultaneously they are telling us they need more money from it.

At one point again the demands reached a crescendo where something had to be done, and I had to go back to Mr. Haldeman again.

Mr. DOAR. At what point? Can you fix the time of that?

Mr. DEAN. I cannot. I am sorry.

Mr. DOAR. By months?

Mr. DEAN. I guess, yes, I would say that's fair, but I just don't recall.

Mr. DOAR. No, I mean in a particular month? Can you fix it in a particular month?

Mr. DEAN. I would say it was in January.

Mr. DOAR. Please proceed.

Mr. DEAN. The call came in again from Mr. Mitchell saying, you know, we need something and I said well, you know, you were supposed to replenish this and the like, and I wasn't one to argue with Mr. Mitchell. And so I finally went to Mr. Haldeman and again said they want another bite out of the apple. We have talked about sending the whole thing back, maybe it should be sent back now and Mr. Haldeman said send the whole damn thing back over there, and get a receipt for it.

Mr. DOAR. And what did you do with those instructions?

Mr. DEAN. I told Mr. Strachan that he should take the entire remainder back and get a receipt from them for it.

Mr. SEIBERLING. Point of clarification, Mr. Chairman. Mr. Dean said a receipt from them.

Mr. DEAN. That was Mr. La Rue principally.

Mr. DOAR. Acting in whose behalf?

Mr. DEAN. Well, I really don't know. I guess—a receipt from Mr. La Rue to the fact that they—the committee or somebody had received \$350,000.

Mr. DOAR. I see.

Mr. WALDIE. Mr. Chairman?

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. What is the date of this conversation?

The CHAIRMAN. Are you unable to state the date of the conversation?

Mr. DEAN. I cannot tell you the precise date other than the fact that I put it in January.

Mr. DOAR. Now, you have testified to the fact that you became aware of a man named Howard Hunt and we have had a considerable amount of testimony with respect to Mr. Hunt's safe at the White House. You were aware of his safe?

Mr. DEAN. I was, yes. I was—I was told that he had a safe, yes.

Mr. DOAR. I don't want to ask you all of it, to develop all of your

knowledge with respect to the contents and the disposition of the materials in that safe, but I will ask you whether or not you did deliver to the FBI certain materials in the safe to FBI agents?

Mr. DEAN. That is correct.

Mr. DOAR. And I will ask you whether or not you delivered other of the materials, other materials of the safe to the acting director, Mr. Gray?

Mr. DEAN. That is correct.

Mr. DOAR. Now, at whose instructions were you operating when you did that?

Mr. DEAN. Well, they had asked for them, and they had asked for the material in Mr. Hunt's safe so I was delivering them to the FBI at their request. But, what I was doing when I delivered the materials to Mr. Gray was trying to provide an excuse for those at the White House to be able to say that everything that was in Mr. Hunt's safe had been sent to the FBI.

Mr. DOAR. Well, did you do that on your own devices with the materials, or did you get instruction from any of your superiors?

Mr. DEAN. I did that on my own decision. Well, I talked to Mr. Ehrlichman about the fact of what was in the safe and he was very unhappy with what was in the safe and had given me instructions regarding the large suitcase that had had material, to deep six it, and suggested shredding the documents that were embarrassing, and at that time I was still a reluctant lady, and was very doubtful as to whether this was the best course or not. And I thought there were real possibilities that a lot of people would not be able to testify that there had, indeed, or that nothing had turned up in Mr. Hunt's safe.

Mr. DOAR. So did you discuss that further with Mr. Ehrlichman?

Mr. DEAN. Yes, I did discuss that with Mr. Ehrlichman.

Mr. DOAR. And what was the nature of those discussions, that discussion?

Mr. DEAN. Well, after I reported to him what was in the safe and the fact that people would be able to say that that safe was not empty, that I conceded the idea, after my instructions from him, that I could turn some of this material over and handle the rest of it directly with Mr. Gray.

Mr. DOAR. And did he—

Mr. SANDMAN. Mr. Chairman, could we have a date established when this happened?

The CHAIRMAN. Can you establish the date on which this occurred?

Mr. SANDMAN. The emptying of the safe.

Mr. DOAR. The opening of the safe, yes. That was the night of the 19th.

Mr. SANDMAN. Ninteenth of what?

Mr. DEAN. June.

Mr. SANDMAN. What year?

Mr. DEAN. 1972.

Mr. SANDMAN. Thank you.

Mr. DEAN. I didn't know it was going to be open that quickly and, Congressman, in fact Mr. Kurli had instructions from Mr. Ehrlichman, who was present with us when we discussed the opening of the safe. He told him how it would be done and the like and I didn't know

they were going to do it quite that quickly. I had gone to Mr. Mitchell's, and that's when he called Mr. Fielding, who had no knowledge, I hadn't told him to expect it, that I was supposed to receive this material, and then Mr. Fielding went up with Mr. Kurli to witness the opening of the safe and take custody of the contents.

The CHAIRMAN. Counsel, will you please proceed.

Mr. DOAR. Well, did you deliver all of the materials that had come from the safe either to the special agents of the FBI or to Mr. Gray?

Mr. DEAN. Well, when Mr. Ehrlichman—Mr. Ehrlichman was there when he passed the envelopes. At that time I thought we had delivered everything, and rested comfortable in my mind that we had delivered everything, and I was, if asked, I would be able to say that everything had been delivered to the FBI.

Mr. DOAR. Had everything in fact, been delivered to the FBI?

Mr. DEAN. No, I had not. It was subsequent to that that I learned that we had not.

Mr. DOAR. And will you explain how you learned that?

Mr. DEAN. Well, the prosecutors then handling the case asked Mr. Kurli, Mr. Fielding, and myself to come down and explain the chain of the handling of this evidence. During the course of that conversation—

Mr. DOAR. Can you fix the time of that?

Mr. DEAN. Yes, that was in December of 1972, just pretrial. During the course of that conversation, Mr. Silbert asked me, he said Mr. Hunt has a motion, and they deal with two Hermes notebooks and a file folder and at that time neither Kurli nor Fielding who had done most of the packing of the material into my safe nor I were even aware of what a Hermes notebook was. As the discussion went on I decided I had to then get Mr. Petersen aside because I figured if there is material missing it is because it is in the envelopes or handled, or handed to Mr. Gray, so I told, I pulled Mr. Petersen aside and we went out of the room and I said, "Henry, I have got to tell you this. If I am called to the stand I am going to have to tell you the way the the evidence was handled is that not all of it really went to the agents as such but some of it was given to Pat Gray." And that's where I would surmise the Hermes notebooks would be. And he was quite startled to hear this and with that broke off the conference rather quickly and I was never called again subsequently. Mr. Silbert was the one who asked me. He said—well, during this discussion before I had had with Petersen, he said would you please go back and recheck. We explained where the materials were all kept. He said would you recheck that safe to see if there's anything left in there.

Mr. DOAR. Did you do that?

Mr. DEAN. Yes, I did. I subsequently went back, and that's when I discovered the fact that amongst just some loose files that were in the bottom of my safe there were the materials stuck, there were the two Hermes notebooks and the popup folder which had been either inadvertently or some way placed in these accordin folders that were opened at the top. I subsequently had talked to Mr. Gray, had learned that he had told me to hang tight on the fact that this material had been turned over to him, and I said, well, what's the problem, and he said well, I destroyed these documents.



Well, my feeling being—feeling quite pregnant by that time—I had no hesitation to just take and shred the documents and to destroy the popup notebook, which I did.

Mr. DOAR. What is a Hermes notebook?

Mr. DEAN. It is a very thin cardboard-bound, paper-backed, white open-leaved notebook that has just blank pages, I gather made by the Hermes Co.

Mr. OWENS. Counselor, are we still in December of 1972?

Mr. DEAN. No, this is January when I went through my safe, of 1973.

The CHAIRMAN. Did you want to clarify something?

Mr. DEAN. No, sir.

Mr. DOAR. Would you let me ask you this, did you begin to have more frequent contact, or begin to have contact on a regular basis with the President beginning in late February 1973?

Mr. DEAN. Yes, I did.

Mr. DOAR. And how did that come about?

Mr. DEAN. Well, excuse me.

[Short pause.]

Mr. DEAN. Counsel notes that I think it is quite appropriate that I bring out the fact that I did not testify regarding the Hermes notebooks before the Senate when I was testifying there. There were several things that were not in my conscience at the time I testified there that have subsequently come out that involve my own actions and my own behavior. They were just not in my conscience but as soon as the matter did arise again and was brought to my attention, the first time was during the summer when Mr. Hunt was filing a motion, and I was talking to counsel, and I said I have got to talk to you about that before anything goes further. And I came back shortly and they expedited the time they wanted me to plead. I pleaded in the—one of the very early things I did as soon as we got to that in my discussion with the special prosecutor was to tell them indeed what had happened to the Hermes notebook regarding my destruction of it.

Mr. DOAR. All right, Mr. Dean, I would like to ask you about if in the latter part of February 1973, you began to have frequent meetings with the President of the United States?

Mr. DEAN. Yes, I did.

Mr. DANIELSON. Point of clarification. Would that be 1972 or—

Mr. DEAN. 1973.

Mr. DOAR. 1973, February 1973. And how did this meeting come about?

Mr. DEAN. Well, I don't really know for certain. I had had some discussions with Mr. Ehrlichman following the La Costa meeting on February 10 and I thought that if I were ever called to testify I was going to have a lot of problem invoking executive privilege because I didn't really feel, while we had issued statements on executive privilege, that they would cover anything other than conversations with the President.

Mr. DOAR. And had you prior—had you between September 15 and the latter part of February had any conversations with the President?

Mr. DEAN. Not on this subject no.

Mr. DOAR. And following La Costa meeting, can you tell me whether

or not you began to have direct meetings with the President of the United States?

Mr. DEAN. Yes, I did.

Mr. DOAR. And did you, at that time, do you have a recollection by day what the President and you talked about between the latter part of February and March 21?

Mr. DEAN. Yes; I do. I might pause and just say that when I constructed my, drafted my Senate testimony, that I had no notes from any of my meetings with any of these. I did not keep a diary. I wasn't able to get any information from the White House as to specific times. I made some efforts, but I was refused the information. When it was in about April 15 and I could get some informal, but not confirmed times generally for a few of the meetings, and the way—the only way I could do it was from just cold memory. I had a partially complete newspaper clipping file and I merely went through the newspapers and I tried to remember which days I had met with the President, what we had discussed, and to reconstruct it from memory as best as I could recall it.

Mr. DOAR. I want to be clear. Did you not keep any contemporaneous memorandum of the conversations that you had with the President?

Mr. DEAN. No, sir, I did not. I specifically had a conversation with Mr. Moore once on that. He asked me why I didn't and I said I just didn't think it would be appropriate because I don't think some of the things we were talking about should be made a record of.

Mr. DOAR. Now, did you on or about or at the middle of March or shortly after the middle of March have a conversation with Mr. O'Brien about a demand by Mr. Hunt?

Mr. DEAN. Yes, I did.

Mr. DOAR. Can you fix the time and place of that conversation?

Mr. DEAN. Yes, I can.

Mr. DOAR. When was it?

Mr. DEAN. That was on the afternoon of March 19, 1973.

Mr. DOAR. Where did the conversation take place?

Mr. DEAN. It occurred in my office in the Executive Office Building.

Mr. DOAR. Had Mr. O'Brien called for an appointment prior to the meeting?

Mr. DEAN. Yes, he had because we had to clear him to come into the office. He didn't possess a White House pass.

Mr. EDWARDS. Mr. Chairman, point of clarification.

The CHAIRMAN. Mr. Edwards.

Mr. EDWARDS. Mr. Doar, did Mr. Dean answer the question about what the President and Mr. Dean talked about in the meeting from February to March 21?

Mr. DOAR. No, not yet.

The CHAIRMAN. We haven't gotten to that.

Mr. DOAR. Let me just finish if I can the conversation with Mr. O'Brien on the 19th.

Could you tell—

Mr. DEAN. Well, yes. Mr. O'Brien told me he had tried to see me over the weekend and the reason that stuck in my mind is because I was certainly available over the weekend and had in fact been in the office over the weekend, had met with the President on St. Patrick's

Day so I didn't really understand why he had had such a problem getting ahold of me over the weekend.

And then he told me that he had had a meeting the preceding Friday with Howard Hunt. He said that he had met with him over in Mr. Bittman's office, said that Hunt had had a message that he wanted to pass to me, and I said to Mr. O'Brien then, I said "well, why me?" and Mr. O'Brien then said "well, I asked Hunt the same question and he said well, you just pass this along to Dean."

And the message was that he had to get his financial affairs in order before he was sentenced and that he wanted by Tuesday or Wednesday I think it was to have his request handled and he wanted \$72,000 for living expenses and \$50,000 for his attorneys' fees and that if he didn't get these he was going to have some seamy things to say about what he had done for John Ehrlichman while he was at the White House, and he would have to reconsider his options if he didn't get it.

Mr. DOAR. And what was your response to this?

Mr. DEAN. Well, I was frankly rather shocked.

Mr. DOAR. What was your response?

Mr. DEAN. Well, I told him that I—I said—O'Brien and I had talked about the demands of people before—I said Paul, I said, I am out of the money business. You are just going to have to go somewhere else to take care of this problem. I am not going to have anything to do with it. I am out of the business. I said maybe it's time to just end this all. It's gotten to the point where I don't think we can live with it. You and I are a couple of conduits and we are going to get ourselves in a whole hell of a lot of trouble if we keep passing this information back and forth. This is obstruction of justice and I don't like it.

And it was sort of a commiserating hand holding situation where neither of us were happy with the situation and I was probably less happy than he was.

Mr. DOAR. Now, prior to the meeting on the 19th with Mr. O'Brien, you have testified to the fact that he had had a number of meetings with the President of the United States between the latter part of February and the 19th of March.

What, if any information, to the best of your recollection, did you give to the President during that time and if you can be as specific and precise as possible, bearing in mind that you don't have notes, it would be helpful. I am sure you realize that the committee has a recorded conversation for the 28th of February and for the 13th of March but there were a number of other meetings, I think one on the 27th of February and several between the first of March and the 13th of March and another on the 17th of March.

Mr. DEAN. Are you specifically referring to with regard to money?

Mr. DOAR. With regard to the Watergate defendants, the alleged—the thing that—the obstruction of Justice thing and you acting as a conduit.

Mr. DEAN. Well, I recall—

Mr. DENNIS. Mr. Chairman, may we have the witness, insofar as he can, break these conversations down to the different specific dates that are involved? Thank you.

Mr. DEAN. Well, as I testified before the Senate, my mind is not a

tape recorder and I had to repeat that on several occasions, that was long before we knew of the tapes even, that I feel I am capable of recalling impressions and gists of conversations.

I have always had a great deal of difficulty with recalling specific words said, who said what and what reactions were. Obviously the recorded transcripts serve as a great recollection of some of the things that occurred. Some of them, frankly, I would have never remembered had I not read the transcripts. So, let's take first of all the group of meetings that occurred on the 27th, 28th, and the 1st of March. I noticed in reading the transcripts and I noticed in rereading my Senate testimony and I recall in preparing my testimony these meetings happened very quickly and very closely together, it was the afternoon of the 27th, it was the morning of the 28th, and then the morning of the 1st. There was a great deal of overlap in subject matter, and substance of these conversations. I think it is quite clear that some of the things that I have put on one day may have happened on another day. But, with regard to my Senate testimony I am fully prepared to stand on every recollection I had in there as having occurred in those three meetings within that time frame. I may have slid from one day to the next day.

My mind is just not that precise that it can put every separate morning from an afternoon. But, as I said I have done the best I can.

Now, I can think of specific examples, in reading the transcript of the 28th, that show exactly what I have done. If the committee would like me to point out these now I would be happy to.

Mr. DOAR. I think first if you could just summarize the subjects you discussed on those three meetings, the 27th, the 28th, and the 1st.

Mr. DEAN. Right.

Mr. DENNIS. Mr. Chairman, I do not want to obstruct the witness at all but I think it is very important that he specify as much as he reasonably can what he said when instead of getting into questions that call for general topics over a period.

I think he ought to be held down just as strictly as he can do it. I understand his problem, but I object to this broad general type of questioning.

This is too important.

The CHAIRMAN. Well, I think the witness is attempting to do this as best he can from his recollection. He has stated that his mind is attempting to be as precise as it possibly can without having to refer to the recordings and the transcripts that are before us. And I think that more than that we cannot expect the witness to do.

You may proceed.

Mr. DENNIS. Mr. Chairman, what I really object to, with all due respect, is counsel's question. I understand the witness' problem, but, Mr. Doar, instead of trying to get what he can he was about to tell us for instance, about February 28 and he has asked him a broad question to tell us the general topics you discussed within this time frame and I don't think counsel should do that.

The CHAIRMAN. Well, the member will have an opportunity when he interrogates the witness if he feels that the line of questioning is imprecise.

Mr. Doar, please proceed.

Mr. DOAR. Well, Mr. Dean, I have no objection to your answering Mr. Dennis' specific question about the 28th, and all I am asking for is your best recollection and with as much precision as you can about February 27th, February 28th, and March 1st. Not the entire period between February 27th and the 19th of March at this time. Do you understand that question?

Mr. DEAN. Yes, I do.

Let me say, on the 28th was the meeting——

Mr. DOAR. Let me ask you just for the record so the members understand you are refreshing the recollection from your Senate testimony?

Mr. DEAN. That is correct.

Mr. DOAR. And could you just for the benefit of the members indicate the page of the Senate and the volume of the Senate testimony?

Mr. DEAN. 991, 3, book 3.

Mr. DOAR. All right, Mr. Dean.

Mr. DEAN. Well, as I indicated when I testified before the Senate, this was the first meeting when the President told me that I was to directly report to him on Watergate matters, and that he told me that this was a matter which was consuming too much of Mr. Haldeman's and Mr. Erlichman's attention and that he would like me to report directly to him.

He also noted to me that they were principals. Now, I have subsequently testified that on the 28th I told him that I thought I also was a principal and proceeded to explain to him why I thought I was a principal. For some reason I thought a day had elapsed. I am inclined to believe on reading the 28th that this probably occurred right at the time he told me this, that I told him that I too thought that I had a problem with obstruction of justice, and we had a very brief conversation about it.

He didn't really agree with me, and didn't want to pursue the matter. The President told me about his meeting with Baker and the Attorney General and requested that I follow up with the Attorney General.

I noted from reading the transcript of the 28th that it was quite evident that not only on the 28th as reported, had I talked to him about Mr. Sullivan but that had come up on the 27th as well, and that's the way I recall it, having refreshed my recollection with the transcripts, that we did talk about the Sullivan matters. In fact, I had placed on March 1 testimony to the effect that I informed him that I had a meeting several days prior with Mr. Sullivan, who had been at the FBI for many years, and Mr. Sullivan alluded to the fact the FBI had been used for political purposes in past administrations and I cited a few examples he had given me. I had placed that on March 1. It is quite evident that happened on the 28th in the transcript.

But I also believe it occurred on March 27, that there was allusion to it. We talked about the leak. The transcript of the 28th recalls to me that it was on the 27th that we talked about Mr. Mark Felt and we talked about how the leak of the news and then wiretaps had come out and he had asked me, we had had questions on that. I had originally placed that on the 28th.

Mr. BUTLER. Excuse me. Mr. Chairman, we are talking about the 27th and 28th of February are we not?

Mr. DEAN. Yes, sir. Yes, sir.

Mr. BUTLER. I think you mentioned March a second ago.

Mr. DEAN. March 1, alluded to that.

Mr. BUTLER. We are still talking about the 27th and 28th of February and the 1st day of March?

Mr. DEAN. Yes, that's right.

Mr. BUTLER. Thank you.

Mr. DEAN. Another example of how I have apparently mingled overlapping meetings is my reference on March 1 to the fact that he had told the Attorney General to read the chapter in the book of "Six Crises." Well, I had remembered that very vividly and that obviously happened, according to the transcript of the 28th, on the 28th. So that's the type of thing that I am alluding to where the overlap of the subject matter resulted in my not being able to separate every specific thing that had happened on three meetings that were held very close together.

Mr. DOAR. Now, what I would like you to do, as specific as you can, is to indicate the matters that you talked about, brought up with the President with respect to the Watergate problem.

Mr. DEAN. At the end of the meeting on the 27th, as I was leaving the office, one of the things after I was—I was not sure at that time that the coverup could continue and I thought that I ought to convey that to the President. And I did. And he gave me what I would have to interpret as sort of a pep talk. I recall that he told me that, you know, this had been the only issue they had had, and it had been handled well, and he had a lot of confidence that I could handle it, and he gave me, you know, just sort of you have got to fight and hang in type of gesture and this was when we were on our feet and I was leaving the office.

That was one of the things that he had accomplished in turning me around, and if I was to have any pessimism I wasn't going to show it to him. We discussed how the reporting would go on and that I should keep in touch with him and resolve problems relating to the Watergate with him.

Mr. DOAR. And did you have further meetings then during the first week in March?

Mr. DEAN. I believe the next one was the 6th.

Mr. DOAR. And what's your recollection of that meeting?

Mr. DEAN. Well, I have a very brief recollection of it, and I have searched my mind and I have tried to do one thing and that is not force my memory, feeling that's the best way to have a faulty memory is to force it.

So, I just have to say that I really don't know much more than what I discussed, that there was a general discussion about the status of the Gray hearings and a reminder that I was to continue to report to him about the Watergate matters.

Mr. DOAR. And when did you meet next with the President?

Mr. DEAN. The 7th.

Mr. DOAR. And do you have a recollection now of your conversation with him on that date?

Mr. DEAN. Well, I can add nothing more than what I said in the Senate.

Mr. DOAR. Well, could you just summarize that for the committee so they have it in mind?

Mr. DEAN. Well, there was discussion about Gray's performance before the committee, and the fact that Gray had made comments regarding my sitting in on the investigations with the FBI. And I do recall the reference the President made to Gray's attitude when he made the reference that "well, that's jolly well." I have never heard the President use that before and that sort of stuck in my mind. And we were—then there was further discussion about the Attorney General cutting off Gray from further Watergate reports or the FBI files to the Senate Judiciary Committee during the Gray hearings. He was unhappy about that.

Mr. DOAR. And did you meet with the President again on the 8th of March?

Mr. DEAN. Yes, I did.

Mr. RANGEL. Mr. Chairman?

The CHAIRMAN. Mr. Rangel?

Mr. RANGEL. Mr. Chairman, it was my understanding that the witness was indicating that there was some new material as related to March 7 and he was requested to give a summary. Did the summary include the new material?

The CHAIRMAN. No; I don't believe that that was the question.

Mr. DOAR. Do you have a recollection of what took place at the March 8 meeting?

Mr. DEAN. Well, again it was, as I recall, pretty much discussion of the Gray hearings and that's all I can recall.

Mr. DOAR. Looking back at the logs that were furnished us by the White House, my attention has been called that on March 1 you had three meetings with the President, two in the morning and one in the afternoon. Do you have a recollection now of any of the specifics about any of these three meetings, or can you differentiate between what took place at one as contrasted to one of the other two?

Mr. DEAN. Now, I would not want to—as I say, I didn't have the logs at the time I prepared this and I would find it—I would think it unwise to sit here and try to, while I am testifying, to force my memory. This isn't exactly the best circumstances to try to recall what happened when.

Mr. DOAR. Now, according to the logs furnished us by the White House you had a conversation by telephone with the President when he was at Camp David on March 10. Do you have a recollection of that conversation?

Mr. DEAN. It was my impression that was the call where we talked about the executive privilege statement and getting it out but what else transpired in that conversation I cannot recall.

Mr. DOAR. Then you had a conversation with the President for 1 hour and 18 minutes on March 13, is that right?

Mr. DEAN. I will take your word for whatever the logs say, yes.

Mr. DOAR. And you have looked at the transcript of that conversation?

Mr. DEAN. Yes; I have.

Mr. DOAR. Now, on the 14th of, when was the next conversation that you remember you had with the President following the 14th? Or following the 13th, excuse me.

Mr. DEAN. Well, my recollection is of the 14th.

MR. DOAR. Did you have a recollection of the subject matters that were discussed and what was said?

MR. DEAN. Primarily dealing with the forthcoming press conference and discussion of executive privilege, and the making Dean a test case in the courts and executive privilege because there would be more than executive privilege, there would be attorney-client privilege and the like.

MR. DOAR. And where was Dean going to testify?

MR. DEAN. Before the Senate Judiciary Committee.

MR. DOAR. In connection with what matter?

MR. DEAN. Mr. Gray's hearings.

MR. DOAR. And did you meet again with the President on the following day?

MR. DEAN. Yes; I did.

MR. DOAR. What date was that?

MR. DEAN. The 15th.

MR. DOAR. And what do you recall about that conversation?

MR. DEAN. I recall that was after his press conference. The President was in a very relaxed mood.

I remember he was saying his surprise at the fact that he had had a rather historic announcement to make regarding the opening up of liaison offices in China and then he was—he expressed some annoyance at the fact that the first question the press asked him was whether Dean was going to testify or not after he made this announcement. And then we went on from there to have what I would call really just rather a bull session. He and Mr. Moore talked about the handling of the *Hiss* case. I remember now that I—that that was the first time that Mr. Moore said that he had really, had you know, had found out who this young Congressman from California was, was during this period of time.

[Material unrelated to testimony of witness deleted.]

MR. DOAR. Do you have a recollection of the conversation with the President on the 16th of March?

MR. DEAN. Just the reference to the fact that there was some follow up on matters that had arisen during the press conference.

MR. DOAR. Now, you met again with the President on the 17th of March. Do you have a recollection about that conversation?

MR. DEAN. Well, my recollection was that that was St. Patrick's Day, and it was a—I have never been able to remember much about that meeting but also had the subsequent feeling that an awful lot more was discussed at that meeting than I am able to remember, just a rather rambling open discussion about a lot of things, and I would be merely opining what they were if I were to testify to them. So, I didn't even include them in my Senate testimony. I had great difficulty remembering whether that might not have been the day where there was discussion of money. I have also had the very firm impression that the fact that what I called the million dollar conversation occurring on the 13th might not have occurred at another time, or some discussion of money had arisen, just my recollection is very clear that that wasn't the first time it came up and I just can't get that impression out of my head.

But, I can't put it on any other day.



Mr. DOAR. You mean that wasn't the first time it came up? What do you mean by that?

Mr. DEAN. Well, as the transcripts would indicate, the first time it came up was on the 21st, that is I was mistaken in putting it on the 13th, but I still sit here today with the impression that there was some other discussion before the 21st of this general subject.

Mr. DOAR. Now, you met with the President again on March 19. Do you have a recollection of that meeting?

Mr. DEAN. Yes. That was the meeting where we discussed drafting a letter that would be sent to the Judiciary Committee in which we would try to answer but not answer some of the questions.

Mr. DOAR. Can you recall whether that meeting was before or after the meeting you had with Mr. O'Brien?

Mr. DEAN. I am sure it was before. I didn't meet with Mr. O'Brien until late on the afternoon of the 20th or the 19th so that—well, excuse me. That would have been after I had had that meeting on the 19th with Mr. O'Brien.

Mr. DOAR. I see. And did you meet with—Mr. Moore was with you at that time?

Mr. DEAN. That is correct.

Mr. DOAR. Now, after you got the call from Mr. O'Brien, can you tell the committee in your own words just exactly with whom you communicated about the information that Mr. O'Brien had given to you, and if you could, take it sequentially and try as best you can to fix the time and the date.

Mr. DEAN. Well, after I received the information on the 19th from Mr. O'Brien, it was late in the afternoon. I recall that. I was going to go over to a reception that was being held at Blair House for Mr. Colson. Having received this information, I didn't feel like going over and seeing Mr. Colson.

I might also add that Mr. O'Brien told me at the time that he reported this that he had in fact, or that Mr. Colson had received the same message through his attorney, Mr. Shapiro, so that Colson was aware of Hunt's demands. When Mr. Colson went out of the White House it was supposed to be one of Mr. Colson's assignments to hold Mr. Hunt's hand and to take care of his problems. O'Brien was aware of this.

Mr. DOAR. When you say it was supposed to be one of Mr. Colson's assignments—

Mr. DEAN. It was an assignment he didn't want.

Mr. DOAR. Well, I know. But who gave him the assignment, if you know?

Mr. DEAN. I believe it was Mr. Ehrlichman.

Mr. DOAR. Well, is this of personal knowledge or just something Mr. Ehrlichman told you or something Mr. Colson told you?

Mr. DEAN. Mr. Colson told me he didn't want to do it and I assume that Mr. Ehrlichman had mentioned it to him and that's all I know.

Mr. DOAR. Is that what Mr. Colson told you?

Mr. DEAN. That's right. But anyway I was supposed to go to the reception and I was not inclined to go to it at all. I remember Mr. Fielding went to it. We were going to go over together, and I did not go. I was rattled, I recall that I had more than one Cutty Sark that

night trying to think about the problem, and did nothing with it that night.

Mr. DOAR. Then what did you do the next day?

Mr. DEAN. The next day I tried to arrange to see Mr. Ehrlichman because I thought I ought to get this message to him, because he was the one who was the subject of Mr. Hunt's demand. I recall some difficulty arranging a meeting with him. He said he had a busy schedule but worked me in in midafternoon. I was bothered enough by it and distressed enough by it that I told Mr. Moore about it.

Mr. DOAR. Let me ask you first did you report this to Mr. Ehrlichman in that afternoon meeting?

Mr. DEAN. Well, I was going sequentially.

Mr. DOAR. Excuse me.

Mr. DEAN. I haven't gotten there yet.

Mr. DOAR. All right.

Mr. DEAN. I think as I recall, I discussed it with Mr. Moore before I discussed it with Mr. Ehrlichman. This came in the context of trying to draft this letter. I said well, you know, we are answering questions that don't answer anything. We have got more problems and more problems. And then I finally let it out to him what was really bothering me.

Mr. SEIBERLING. Mr. Chairman, point of clarification. Mr. Dean referred to this letter without—

Mr. DEAN. I'm sorry. I testified to a letter. That's the letter that I was drafting for the Senate Judiciary Committee regarding my appearance or the questions that had come up regarding my involvement in various phases of the Watergate investigation.

I believe that's an exhibit that I submitted to the Senate committee, so I assume it is in the possession of this committee also.

When I got to see Ehrlichman—

Mr. DOAR. Wait a minute. Before you do that, you said "I told Mr. Moore what was bothering me," and I think the members of the committee would be interested in the substance of that conversation.

Mr. DEAN. Well, what was bothering me was the fact that here was Hunt now making direct demands on the White House that were escalating, they were threats. Mr. Moore is the one who put the label blackmail on it, and when he told me that's nothing but blackmail I said, I told him I agree it is, and he was—I respected his judgment. I think he's you know, a fine man, and I was really, I bounced an awful lot of things off of him and I wanted to get his feel for this, and he thought it was a very bad situation. I told—I might also add, he made a reference to me and he said "well, is he talking about the Ellsberg thing?" And I said yeah, and I said "well, how do you know that?" And he said "well, I just got that off the grapevine." So, I recall that very clearly and I was surprised that he knew about that because I have never talked to him about it.

When I got in to see Ehrlichman it was a rather brief meeting. He told me he was going down to see the President, and I said well, here is the latest from Hunt, and repeated to him what Hunt had said and how I had received the message.

Mr. DOAR. Could you fix the time that you saw Mr. Ehrlichman?

Mr. DEAN. Midafternoon.

Mr. DOAR. Of what day?

Mr. DEAN. Of the 20th.

Mr. DOAR. Of March?

Mr. DEAN. That is correct.

Mr. DOAR. All right. And will you continue please, Mr. Dean?

Mr. DEAN. I told—when I told Mr. Ehrlichman I was surprised at his reaction, which was not—he had no reaction. He said “Humph, I wonder what he’s talking about.”

And I thought, well, if it doesn’t bother him, you know, I didn’t know one, whether he already knew that from somebody or what. In my dealings with Ehrlichman he was always, the best way I can describe it, is played it close to the chest with me.

We walked together out of his office, and it is my very clear recollection that Mr. Haldeman was there also and we walked, all of us walked down the stairs together because I remember the discussion, we were also talking about the fact that Mitchell had called to tell me about his experience before the *Vesco* grand jury in the southern district and had said that Ehrlichman’s name had come up and I thought I ought to report that to Ehrlichman’s also, which I did. And Ehrlichman said, also as we went down the stairs, he says “I am surprised they haven’t called me yet, I have had some dealings with Vesco” and recited some of them.

And I said maybe you will be called, and he said maybe I will.

And that was on the way down. He was going downstairs to the President’s office.

Mr. BUTLER. Mr. Chairman, excuse me. One clarification for a moment.

The CHAIRMAN. Mr. Butler.

Mr. BUTLER. Could you clarify exactly when Mr. Haldeman joined this discussion? Was he present when you delivered the news to Mr. Ehrlichman or when did he join your group?

Mr. DEAN. I’m sorry, I just do not know. I do not know. And the thing that has triggered whether I’m right or wrong is when I read the transcript of the 21st and as I recall reading that, he kept saying when we got into Hunt’s demands, “really, really”, and the more I read that I think he had misinterpreted what I had said, and he thought I was talking about McCord playing hardball, but I can’t be certain, in which case there is some doubt on whether, whether my recollection is correct but that has been my recollection, and I can only recall them the way I see them.

Mr. BUTLER. May I ask one question more?

The CHAIRMAN. Mr. Butler.

Mr. BUTLER. When Mr. Ehrlichman made the statement along the lines of wonder what he was talking about, was Mr. Haldeman present at that time or not? Do you have any recollection one way or the other?

Mr. DEAN. I’m sorry, I just can’t tell you.

Mr. BUTLER. But there is a possibility he could have been there?

Mr. DEAN. That is correct.

Mr. BUTLER. OK. Thank you.

Mr. DOAR. All right, Mr. Dean, you were walking down the stairs with Mr. Ehrlichman and Mr. Haldeman.

Mr. DEAN. And that’s where I departed and went back to my office

and was in my office and Mr. Krogh came in. And Mr. Krogh came by. He said to cheer me up that I had been taking a lot of public heat, and then he began to tell me that he hadn't had a pleasant day since he had been over at his job at the Department of Transportation.

And he said that this whole matter had just been haunting him, that he talked to his wife about it, and you know, it was one of these things that he just didn't know how much longer he could really live with and he would like to get it all cleared up and the like and the whole matter.

I am referring to his involvement in the break-in in Dr. Ellsberg's office and the perjury he had committed, he felt he had committed, during one of his grand jury appearances.

So, he and I, being close friends, began to commiserate, and I would say "Bud, well I am not sure this thing is going to hold together any longer."

And I told him about Hunt's demands and the fact that I thought that the President was being ill advised by his senior advisers, that this thing had reached a point where it had—it was now going to affect the President pretty seriously if we didn't do something about it.

And I told him also about the fact that, you know, all it would take is one good investigator to run into those files that were down in the Department of Justice with the pictures of Liddy standing in front of Dr. Fielding's office and they were under the whole Ellsberg break-in.

Well, Krough was—he said I am glad I came by but he said I certainly hadn't expected to talk about these things, and maybe it is best to get these things talked about.

So, after he departed I then did what Mr. Ehrlichman had asked me to do during the meeting with him and that was he asked me if I would talk to John Mitchell about it. And I hadn't.

So, I called Mitchell who had left his office for the day and I reached him at home. And it sounded, when I called, that somebody else had picked up the phone. And I had been told by LaRue, I believe it was the first time when someone told me about it, that if you call him at home be very careful because Mrs. Mitchell picks up the phone and she listens in.

So, I had a very guarded conversation with him and I told him that there had been demands made by Hunt on Ehrlichman, about what had been going on in the past, and conveyed the message where he was aware of it, and that I had been asked by Ehrlichman to pass this on, and then I raised the question of whether there was anything, any available funds to take care of it. And using some language to the effect, well, is the Greek bearing gifts, because we had conversations about Mr. Tom Pappas coming down and being able to take care of some of the fund problems, that we were out of money, that we needed more money and that pretty well takes me through the night of the 20th until I get home.

Mr. COHEN. Mr. Chairman, could I just inquire about the sequence of conversations?

I am not sure that I missed this myself but following your conversation with Richard Moore, did you meet with the President, with Moore, on March 20 about 1:42 to 2:31 p.m.?

Mr. DEAN. That's entirely possible. I don't recall. I know that I was holding—I was very reluctant to talk to the President about these things in front of Mr. Moore, and if it did, nothing of this nature came up that I recall on the 20th.

I think I recall some rather vivid conversations with the President on the 20th that had to do with what was going on in the southern district, and the President's opinions on what was going on in the southern district.

Mr. COHEN. Thank you.

Mr. DOAR. What was Mr. Mitchell's reply to this conversation?

Mr. DEAN. He said he would call me back.

Mr. DOAR. I see.

Mr. DEAN. He obviously didn't want to talk, given the fact that he was home, and he was—I think had had a hard day, from my earlier conversation with him, before the grand jury up in the Southern district and he was left—it was left that he would call me back.

Mr. DOAR. And then did you go home, you say that evening?

Mr. DEAN. That is correct.

Mr. DOAR. Then what did you do then?

Mr. DEAN. Well, I had virtually no more than walked in the door and the President was on the telephone.

Mr. DOAR. And what did the President say to you and what did you say to him?

Mr. DEAN. Well, we had what I think is known at the White House as a stroking call, was the first call, it was very light, very easy, very rambling, just a general chatter back and forth.

And at one point I told him, I said I have met with Ehrlichman that day before he had come down to the President's office that day and I thought that the President and I should talk in the morning so that before the President did anything, the substance of the conversation before, you know, he should have the same information that I think I have, so he understands the implications of everything and has the broadest picture.

Now, I was guarded in this call and I was trying to tell the President that being in my own mind that Ehrlichman had already raised the Hunt matter with him, that he should not do anything until he sees the picture, and that was what I was, you know, and the fact that this thing had all kinds of problems on the sides of it, so that's what I tried to convey to him, and he said well I would—he said—well, I said I would like to take a little time to prepare for this.

And he said I would like to see you tomorrow morning at 10 o'clock, will that be all right?

And I said, yes, that would be all right. I really didn't have any option, because I really wanted to sit down and think everything through and collect everything and assess everything but obviously the opportunity wasn't going to be there because he wanted to see me the next morning.

Mr. DOAR. Did you talk to anyone else that evening about this subject?

Mr. DEAN. I don't recall.

Mr. DOAR. Now, did you—call—you tell us if you had a call or a conversation with Mr. La Rue about the subject of Mr. Hunt's demand?

Mr. DEAN. Yes. You mean on this day?

Mr. DOAR. Well, no. Either—whenever you had it.

Mr. DEAN. Well, I have never been sure whether I had a call with LaRue or not, but I, what I remember in my dealing with LaRue was Mr. LaRue came into my office.

Now, that may have been prompted by a telephone call but he came to my office. But I don't recall. I do recall his coming in, sitting across from my desk and saying are you going to do anything about the money demand. And I said no, I am not, I am out of the money business, Fred, and I am not going to have any part of it.

And he said what should I do and I said well, I think you ought to talk to John Mitchell.

Mr. DOAR. Can you tell me whether or not that conversation was before or after the time you or your meeting with the President at 10 o'clock on the 21st?

Mr. DEAN. My best recollection is it preceded that meeting of the 21st.

Mr. DOAR. And was it before or after your conversation with John Mitchell on the 20th?

Mr. DEAN. I can't really fix a time certain on that.

Mr. DOAR. But—

Mr. DEAN. You mean the telephone call or the personal meeting?

Mr. DOAR. The personal meeting.

Mr. DEAN. It could very well, and I have thought about this and thought about this. It could have been the morning of the 21st before I went in. The only thing I recall getting in the office late, and well, my normal time of arrival with rare exception was between about 9:15 and 9:30.

I had a 10 o'clock meeting scheduled with the President and the only call I remember very well was I called Mr. Haldeman before I went in to see the President because I had, one, never asked about a meeting with the President before, he had always called me in, and I had been responding at his will.

Here I had asked for one, and I thought, knowing the way the channels operated, that I shouldn't do this without telling Mr. Haldeman, who cleared everybody who went in to see the President.

I told Mr. Haldeman I thought there were things I should tell the President and I should lay some of these facts out to him.

Haldeman agreed.

Mr. DOAR. Now, did you go in, you did have a meeting with the President on the 21st?

Mr. DEAN. That is correct.

Mr. DOAR. And Mr. Haldeman was present during that meeting?

Mr. DEAN. The latter part, yes.

Mr. DOAR. Can you tell me whether or not you recall whether Mr. Haldeman took notes during that meeting?

Mr. DEAN. I recall he had his pad. It was open at one point and I recall that he did make some notes during the meeting, yes.

Mr. DOAR. Now—

Mr. DEAN. I have got to say this, you know, whether he had doodles on his pad or writes on his pad, all I know is he had his pad out and his pencil in hand. I have got to say that with Mr. Ehrlichman I used to think he took copious notes of everything that was ever said until

finally one day I walked around to see what he was doing, and he makes fantastic, very artistic doodles.

Mr. DOAR. Following, you had two meetings with the President on March 21, one in the morning and one in the afternoon?

Mr. DEAN. That is correct.

Mr. DOAR. And did you learn or when did you learn that a payment of \$75,000 or any kind of a payment had been made to Mr. Hunt?

Mr. DEAN. Well, I don't know the amount. It was on the morning of the 22d when it was very early in the meeting that Mr. Mitchell, Mr. Haldeman, Mr. Ehrlichman and myself attended.

We were, the four of us were seated in Mr. Haldeman's office in front of the fireplace. There are four easy chairs that face each other. Mr. Ehrlichman and Mr. Mitchell were across from each other, in the chairs closest to the fireplace. Mr. Haldeman and I were across from each other.

Haldeman and Ehrlichman being on the same side, Mitchell and myself being on a side. I was catty-corner from Ehrlichman and Haldeman was catty-corner from Mitchell.

Ehrlichman said very early on in the conversation "well, what about Mr. Hunt's problem?" He was looking to me and I with sort of a gesture said "well, ask the man who knows", sort of thing and that was referring to Mr. Mitchell.

And Mr. Mitchell merely said "well, I don't think that's a problem any more."

And everybody dropped it, and that was the extent of it.

Mr. DOAR. I neglected to ask you whether or not you had any meetings or conversations with Mr. Ehrlichman and Mr. Haldeman or both of them between the morning meeting and the afternoon meeting with the President?

Mr. DEAN. On the 21st?

Mr. DOAR. On the 21st?

Mr. DEAN. Yes, I did.

Mr. DOAR. Could you fix the time and place and the duration of that meeting?

Mr. DEAN. Well, I would fix it about starting sometime midafternoon until we went in to see the President, when we all went over together to see the President.

Mr. DOAR. What was the subject of that meeting?

Mr. DEAN. Well, the principal subject was that it seemed that the best tactics to deal with the entire matter would be to get Mr. Mitchell a step forward because if they got Mr. Mitchell and somebody—he would account for himself, that that would solve everybody's problem for post June 17. In other words, they would have a big fish, as the word that was used around the White House that would satisfy everybody, and then everybody else could not be concerned about their activities for the coverup.

This was one, this was one of several strategies but it was the most appealing. In fact, when I sat down on the morning of the 22d I thought I was going to see the most thrilling confrontation that I had ever witnessed between Haldeman and Ehrlichman and Mitchell, but it never happened.

Mr. DOAR. Now, were you requested to prepare a written report by the President either on March 21 or March 22?

Mr. DEAN. Well, there was countless discussion of my preparing a report. I was always very reluctant to do it. I tried to frankly bob and weave regarding a report because the report that was described to me was one I didn't ever know how to write.

He told me at one time you say this, this, this, this, and the President would also describe it as well, you can say he did such and such and he didn't and so on and so forth and he said I don't want everything specific but, I want general, and I just didn't have any idea what was being requested, how it would be written and frankly didn't want my name on it. I had made an earlier effort to do it when it had first come up and I thought that was a satisfactory solution where I would take and prepare interrogatories or depositions of everybody, and if everybody else wanted to lie about their degree of involvement, fine, and I would just write a summary of that, and that would satisfy the situation.

And as I testified in the Senate, when my name was put out in front back in August 1972, about the Dean report, I got a little bit gun shy from that time on because here it was I was the man who said that there was nobody presently involved or employed in the White House or the administration that had any knowledge of the Watergate.

Now, I have never known whether that was an artfully phrased word that was meant to be literally what I believe it to be, and believe it to be that no one did, indeed, know that anybody was going to break into the DNC on the June 17th, I don't think anybody did other than those that were directly involved; or whether it was really intended to be given the broad brush that the press later gave it, forgetting the niceties of the literal meaning of it.

Mr. DOAR. Well, had you, prior to August 29, prepared a so-called Dean report?

Had you prepared a report for the President or any, anyone else in the White House?

Mr. DEAN. No, I had not.

Mr. DOAR. Had you been instructed by Haldeman to prepare such a report?

Mr. DEAN. No, I had not.

Mr. DOAR. Had you been instructed by Mr. Ehrlichman to prepare—

Mr. DEAN. No, I had not, and if anything I was told my job wasn't to investigate, and it was after the Dean report was issued they said well, well, just say that you were investigating this thing.

Mr. DANIELSON. Mr. Chairman, point of clarification. The gentleman has just testified after the Dean report was issued. I gather after, he means after the alleged—

Mr. DEAN. Alleged Dean report, and the statement was made on August 29.

Mr. DANIELSON. But there was no such report?

Mr. DEAN. There was no such report.

Mr. DOAR. Now, did you go to Camp David on the 22d or 23d?

Mr. DEAN. Well, as the transcripts reveal, there was discussion of it on the 22d. I did go on the 23d.

I was a captive of the press at my home on the 22d, and didn't want to move, didn't want to go out in front of the cameras and they had



the whole house staked out with five or six camera crews, and I was waiting until either they thought I wasn't coming out, or I wasn't there and I conducted business from my house phone and learned of such things as the letter that was released in court that morning and talked to O'Brien about it, and talked to Ehrlichman about it and the like. And finally I received a call from the President and he said well, your prediction was right and he said I think what you ought to do now is to go up to Camp David and just relax and unwind and get your thoughts together.

He said that's where I can do my best thinking, and analyze this whole thing.

He did not ask me in that call to write a report.

Mr. DOAR. When you got up to Camp David, did you attempt to prepare a report?

Dr. DEAN. Well, as we were entering the cabin, my wife was with me, as we were entering the cabin that I was staying in the phone was ringing and the operator said it was the President on the line. Well, I picked it up and it wasn't the President, it was Bob Haldeman, and Haldeman said to me, he said "John, while you are up there, why don't you start drafting a report?"

And I said is it for internal use or external use and he said "well, we will decide that later."

So, I began, being instructed to write a report, and I have not the foggiest notion what they have in mind, and I told them the only way I could find out is if I started writing, so I was instructed at that time by Haldeman to write a report.

Mr. DOAR. And did you attempt to write a report?

Mr. DEAN. I began making notes. I began trying to think of how to construct a report, again collecting my thoughts, trying to recall things.

Had I known I was going to write a report I would have spent an afternoon in my office collecting what documents I could.

I would have asked others for information so I could draw things together. I didn't have any of that so I called down and asked Mr. Fielding in my office to get any documents that he thought might be relevant and helpful for me to prepare such a report.

And then I requested my secretary to come up on Monday to do any typing that I might have if I was able to do anything I thought was what they wanted.

Mr. DOAR. And did you?

Mr. DEAN. I think that document, my notes and the like, are on exhibit. They are all over the lot. You know, sometimes I am trying to lay it out the way it really is and other times I am trying to write it in a way that protects people. I didn't know what I was supposed to do and I was trying to figure out what I was supposed to do.

Mr. DOAR. Well, was it an accurate report or are there inaccurate notes?

Mr. DEAN. Some are accurate, some are inaccurate.

Mr. DOAR. Now, moving, Mr. Dean, to the 15th of April 1973, I will ask you whether or not you had a meeting with the President on that day?

Mr. DEAN. Yes, I did.

Mr. DOAR. And prior thereto, had you retained counsel?

Mr. DEAN. Yes, I had.

Mr. DOAR. When did you retain independent counsel?

Mr. DEAN. I first retained counsel on I believe the 25th of the month of April, of March, excuse me, and then I began talking with counsel about the fact that I would like to talk with somebody who has experience in criminal law so that he could sit down and assess what not only my problem is but everybody's problem is in this and figure out, because that's something that I could never do.

I was not a criminal lawyer. I had a general knowledge of criminal statutes, but no specific knowledge of all of the whys and wherefores and hows of criminal prosecution and the like.

So, I began talking to him about that. And that's when he suggested we meet with Mr. Shaffer when I got back.

Mr. DOAR. And did you meet with and retain Mr. Shaffer?

Mr. DEAN. Yes, I did.

Mr. DOAR. And subsequent to that, and prior to April 15, did you or your attorney have conferences with the U.S. attorneys about the Watergate matter?

Mr. DEAN. Yes. When I retained Mr. Schaffer I said, by that time I said that I would like to tell whatever I know about my involvement in this thing to the then prosecutors and he said well, let's hear it all. And I spent 5 hours on one day and then he said I want to think about it more. We met again.

That was on a Friday afternoon, the 29th, 30th, and then the next Monday.

Mr. SANDMAN. Of April?

Mr. DEAN. That's March. And then the next Monday we talked again and he said, I want to go down and talk to the prosecutors about it and explore it.

Mr. HUNGATE. Pardon me, counsel. He said he suggested you get Mr. Shaffer. Who is he?

Mr. DEAN. Pardon?

Mr. HUNGATE. As I understood you, you said he suggested you contact Mr. Shaffer. Who was that?

Mr. DEAN. That was my prior counsel who was Mr. Hogan at that time.

Mr. Hogan stayed in the case until he realized he had to drop out because of a conflict because he had represented Mr. Colson in another matter.

Mr. HUNGATE. Thank you.

Mr. DOAR. All right now, did you, subsequent to those conferences with Mr. Shaffer, prior to the 15th of April, have conversations with the U.S. attorneys?

Mr. DEAN. Mr. Shaffer has corrected me on the fact that we not only had a conference on that Friday afternoon, but we met on Saturday and Sunday and then again on Monday apparently as well. I had an awful lot of information that took time to sort out and begin to explain it to him.

Yes, to answer your question, I did have myself then I believe the first meeting on the 8th.

Mr. DOAR. Eighth of April.

Mr. DEAN. April.

Mr. DOAR. And did you have subsequent meetings between then and the 15th?

Mr. DEAN. Yes.

Mr. DOAR. And how many?

Mr. DEAN. Excuse me. Could you repeat the question?

The CHAIRMAN. Mr. Doar.

Mr. DOAR. Mr. Dean, directing your attention to the 15th day of April, 1973, I will ask you whether or not you had a meeting with the President on that day?

Mr. DEAN. Yes, that is correct.

Mr. DOAR. And did you testify about that meeting when you testified before the Senate Select Committee?

Mr. DEAN. Yes, I did.

Mr. WALDIE. May I interrupt just a moment?

The CHAIRMAN. Mr. Waldie.

Mr. WALDIE. There was a question pending before we broke on the number of meetings the witness had had with the President after April 8 and before April 15.

Mr. DOAR. You mean with the U.S. attorneys?

Mr. WALDIE. I'm sorry, yes.

Mr. SHAFFER. Thank you. I was going to make a correction.

Mr. DOAR. Well, we will go back and pick up that answer.

Mr. DEAN. Would you repeat the question then?

Mr. DOAR. Yes, between the 8th and the 15th did you have one or more meetings with members of the U.S. attorneys office?

Mr. DEAN. I am not sure as to the number of meetings. There were certainly two meetings that I am familiar with, but how many occurred I don't know.

Mr. DOAR. I see.

Mr. DEAN. Our records are not complete on it. The U.S. attorney would probably have the best evidence on that.

Mr. DOAR. You then met with the President on the 15th, and as I said—

Mr. DEAN. Correct.

Mr. DOAR. And as I said, you have testified about that meeting before the Senate Select Committee?

Mr. DEAN. That is correct.

Mr. DOAR. And briefly, could you just summarize the discussion that you had with the President on the evening of the 15th?

Mr. DEAN. Well, I told the President I had gone to the prosecutors. I thought, I thought I should, and that I didn't consider this an act of disloyalty, rather it was my effort to step forward and account for myself and I thought it was time to do it. He then proceeded to ask me a number of questions, and I had the reaction at that time and I still do that they were very leading questions, that he was trying to put on the record, and I didn't mind if he wanted to put them on the record, in which he was trying to recount certain facts. He asked me, for example—

Well, he asked me also had I discussed any of my meetings with the President with the prosecutors or with my lawyer and I said no, I had not, that we considered those matters privileged and there was an attorney-client privilege, and they had not been discussed.

Mr. DOAR. What did the President say to you at that time?

Mr. DEAN. He told me that I should not discuss any of those meetings, that he considered them privileged and/or national security matters, and that I should stay out of those and I agreed that I would.

He then proceeded to ask me a number of questions about apparently information that had been given him by—

We also talked about Henry Petersen, whether Henry Petersen was a good man and all of that sort of thing and I agreed that he was and this was in reference to a note I had sent in earlier, I assume, that I thought that Petersen would be of great assistance to him.

He raised when I had talked to him about these facts, and I was very confused by the question. I didn't know exactly which meeting he was talking about, but he clarified it, saying about the cancer on the Presidency, and I said that that was the—

I wasn't sure of the precise date, but it was the Wednesday before the Friday they were sentenced. I remembered that. And then he said did I, asked if I had told him at that time about the fact that after the two meetings in the Attorney General's office in January and February of 1972, did I come back to report these meetings to Haldeman, and I told him yes, I had. And he said, well, Petersen is quite concerned about that, that Haldeman didn't turn them over, and there was some discussion about that.

He also, as I testified in the Senate, at one point asked me about Liddy, and I suggested that he might tell Petersen that if Liddy wanted a signal to start talking, because the prosecutors had told me in their dealings with me that Liddy had, indeed, informally talked to them.

Now, whether in retrospect this was merely a prosecutor's technique or whether in fact it happened, I don't know. I assume it has not happened.

But, when they said that, I remember my counsel jumped up and he said "well, God damn, that's great. Let him keep talking, you know, as far as my client is concerned, let him talk." And we were hopeful that Liddy was talking to them.

He says he might not have said "God damn".

Anyway, I suggested to the President that he might give Petersen the word that if Marolis, who was Liddy's attorney, would like to talk to the President, maybe the President himself ought to meet with Marolis, and then Marolis would have no doubt that it was coming from the highest authority and that if Liddy was looking for this type of signal, this might prompt Liddy to tell everything he knew.

The President agreed, and he said you pretend like you're not here and I will call Henry Petersen. And so then he placed a call to Petersen and there was this conversation with Petersen where he went through this with Petersen. And then we were returned to our conversation.

Mr. SEIBERLING. Point of clarification, Mr. Chairman. The witness said that the President went through this with Petersen. It is unclear to me what that means.

Mr. DEAN. Well, excuse me, Congressman. He went through my suggestion that Marolis himself could be told that if he wanted to meet with the President that that could be worked out. I don't recall

the specifics of it. The concept was, though, my idea was to tell, get the message to Liddy directly from Marolis, and maybe a trip into the oval office would impress upon Mr. Marolis the fact that he had the highest signal that he could get.

Mr. DOAR. What other matters did you discuss with the President?

Mr. DEAN. Well, there were—well, without reading all of my Senate testimony, I am just again going through the highlights of it, there was discussion about the fact that the President told me, he said you know, when I said that it would be no problem to raise a million dollars I was only joking and he sort of made, you know, a laugh and said that this was, you know, just a joking matter.

Toward the end of the conversation I recall that he got up out of his chair and went over to sort of the corner of the office, around his chair which is over in one corner of the office, he went up around over behind it, and he folded his arms and looked over at me and he said "John," he said, "I guess I was foolish to talk to Colson about clemency for 'Hunt?'" And I didn't make any comment at the time and the conversation ended shortly thereafter and I recall he made some remarks to the effect to say hello to your pretty wife and I thanked him for that, and I said to him, in a very serious moment, he was walking into his little anteroom, off of his office there and I was walking out the door at the other room, and I said "Mr. President, I hope this is handled right so it doesn't result in the impeachment of the President."

And he said, "Well, John, I guarantee you it will be handled right." And that was the end of the meeting, and I left on that note.

Mr. DOAR. Let me ask you this, did you have any conversation about Mr. Haldeman and Mr. Ehrlichman?

Mr. DEAN. There was a conversation I mentioned and—

Mr. DOAR. Specifically with respect to information, whether or not you had furnished information to Mr. Haldeman or Mr. Ehrlichman throughout the period of time following the Watergate break-in?

Mr. DEAN. Yes, there was. There was a general discussion. I cannot at this time recall all of the specifics as to the areas that he was interested in. It seemed that he was eliciting information regarding my knowledge on these areas, and I was reporting them to him.

Mr. DOAR. And did you notice whether or not the President made notes?

Mr. DEAN. I believe he had a pad in his lap, and he did make some notes during that conversation, yes. They were very minor notes, but he did make some notes in the pad on his lap.

Mr. DOAR. That's all the questions I have, Mr. Chairman.

The CHAIRMAN. I believe we will recess at this time until 2 o'clock this afternoon.

[Whereupon, at 12:20 the hearing was recessed to reconvene at 2 p.m. this same day.]

#### AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

Mr. Edwards, you will take the chair.

Mr. EDWARDS [presiding] Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

## TESTIMONY OF JOHN DEAN—Resumed

Mr. ST. CLAIR. Mr. Dean, I believe you have testified that Mr. O'Brien came to see you on—about, late in the afternoon of March 19.

Mr. DEAN. That is my recollection, yes sir.

Mr. ST. CLAIR. And that is on a Monday?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Did you make any notes or diary or log entries that would reflect that visit?

Mr. DEAN. No, I have not. The only reflection I can think would be of a documentary nature would be the fact that he was cleared into my office, which would require the clearance through the UPS.

Mr. ST. CLAIR. Well, you made no notes?

Mr. DEAN. No, I did not.

Mr. ST. CLAIR. Mr. O'Brien had come to see you on a number of occasions, had he not, during the period, let's say the first 6 months of 1973?

Mr. DEAN. Yes.

Mr. ST. CLAIR. Did you understand from what Mr. O'Brien told you that he had talked with Mr. Hunt on the previous Friday?

Mr. DEAN. That is my understanding, yes.

Mr. ST. CLAIR. Are you sure that Mr. O'Brien didn't indicate that he had just finished talking to Mr. Hunt and came over to see you directly from Mr. Bittman's office?

Mr. DEAN. I recall him saying something to the effect that he had been unable to reach me over the weekend and that had surprised me, because I had been available over the weekend.

Mr. ST. CLAIR. Well, now, I wonder if you would answer my question.

Did Mr. O'Brien indicate in any form of words to you that he had just left Mr. Bittman's office and came directly to your office?

Mr. DEAN. No, he did not.

Mr. ST. CLAIR. I see.

In fact, it is your memory that he told you that he had talked with Hunt on the previous Friday?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Have you reviewed Mr. O'Brien's testimony before this committee with anyone?

Mr. DEAN. No sir, only to the extent of what has been published in the paper.

Mr. ST. CLAIR. You haven't talked about it with anyone?

Mr. DEAN. Not in any specificity, no.

Mr. ST. CLAIR. With whom have you talked about Mr. O'Brien's testimony to any—other than your own counsel, any specificity?

Mr. DEAN. I was asked if I recalled meeting with him on a Friday after, as you had said it, he had come directly from Hunt's office, with Mr. Doar and told him no, I did not recall it that way; to the contrary, I recall the fact that it had been on a Monday.

Mr. ST. CLAIR. My question was with whom did you discuss it other than your counsel?

Mr. SHAFFER. Mr. Chairman, he said Mr. Doar.

Mr. ST. CLAIR. I am sorry. I didn't hear that.

Mr. DEAN. Yes, I did.

Mr. ST. CLAIR. I am sorry.

Now, as I understand it, you told him in substance that you were out of the money business, is that right? In part?

Mr. DEAN. Yes.

You are talking about Mr. O'Brien?

Mr. ST. CLAIR. Yes.

Mr. DEAN. Yes.

Mr. ST. CLAIR. This is now, you say, on Monday, sort of late in the day?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And do you have available to you or your counsel the transcripts of eight recorded Presidential conversations published by the committee?

Mr. DEAN. Yes, I do.

Mr. ST. CLAIR. Would you turn to page 91?

Directing your attention to the paragraph at the bottom of the page, do you see where it says "I told this fellow O'Brien"?

Mr. DEAN. Yes, I do.

Mr. ST. CLAIR. Is that an accurate quotation of what you told Mr. O'Brien; namely, you came—"All right, you came to the wrong man, fellow. I am not involved in the money. I don't know a thing about it, can't help you. You had better scramble around elsewhere."

Is that what you told Mr. O'Brien?

Mr. DEAN. Well, I don't know who put the quotations in there. That is an accurate characterization of the conversation, yes.

Mr. ST. CLAIR. That is, did you say?

Mr. DEAN. Yes; I believe it is.

Mr. ST. CLAIR. And if Mr. O'Brien said that no such words were spoken, he is mistaken?

Mr. DEAN. Would you repeat that, please?

Mr. ST. CLAIR. If Mr. O'Brien testified that no such words were spoken to him by you, he is mistaken?

Mr. DEAN. Those precise words?

Mr. ST. CLAIR. No; such words, words to that effect?

Mr. DEAN. Yes, he is. I talked to him—

Mr. ST. CLAIR. All right.

Mr. DEAN [continuing]. As I have testified today.

Mr. ST. CLAIR. All right.

So you say you did strike those words or their substance to Mr. O'Brien late in the afternoon of the 19th?

Mr. DEAN. I think that is an accurate characterization of the compressed form of the conversation, yes.

Mr. ST. CLAIR. And this is, of course, what you reported to the President on the morning of March 21?

Mr. DEAN. Correct.

Mr. ST. CLAIR. And I take it that you believed and that you intended the President to believe that you had turned Mr. O'Brien off, in effect?

Mr. DEAN. I had told him I was not in the money business, that is correct.

Mr. ST. CLAIR. Well, now, you also had a meeting with Mr. LaRue on the morning of the 21st, did you not?

Mr. DEAN. I have not been able to put a precise date on it. I recall that the meeting occurred just before I did meet with the President on the morning of the 21st.

Mr. ST. CLAIR. Well, would you say—what is your best memory as to when you met with Mr. LaRue and dealt with this same subject matter of a payment to Mr. Hunt?

Mr. DEAN. Well, I believe, as I have testified, I think that was probably, it could have happened on the morning of the 21st. I don't—

Mr. ST. CLAIR. Is that your best memory?

Mr. DEAN. I don't have a good memory of it, Mr. St. Clair.

Mr. ST. CLAIR. You don't have a good memory of this event?

Mr. DEAN. Of the meeting?

Mr. ST. CLAIR. With Mr. LaRue?

Mr. DEAN. Or of the timing of the meeting?

Mr. ST. CLAIR. Well, do you have a memory at all of the time of the meeting with Mr. LaRue?

Mr. DEAN. Yes, I have a recollection of the meeting, but not the timing of the meeting.

Mr. ST. CLAIR. You do agree it was before you met with the President on the morning of the 21st?

Mr. DEAN. I believe that is correct, yes.

Mr. ST. CLAIR. All right. Can you help us, when, to the best of your knowledge, did you have this meeting with Mr. LaRue?

Mr. DEAN. Well, that, as I have testified, I just cannot say. I don't have an accurate memory of it.

Mr. ST. CLAIR. I would like to ask you a little bit about your memory. Do you have a good memory?

Mr. DEAN. I would say it is a good memory, yes.

Mr. ST. CLAIR. Well, when you testified before the Senate Committee, you indicated you had a very good memory, didn't you?

Mr. DEAN. I believe I indicated I had a good memory, but it was not a tape recorder.

Mr. ST. CLAIR. Do you remember telling a Senator—

Mr. SHAFFER. Could I have the page, please?

Mr. ST. CLAIR. Yes, book IV, page 1433.

Mr. DEAN. I recall a reference—

Mr. ST. CLAIR. Please, I haven't finished the question:

I think I have a good memory. I think that anyone who recalls my student years knew that I was very fast at recalling information, retaining information. I was the type of student who didn't have to work very hard in school because I have, I do have a memory that I think is good.

Now, is that your appraisal of your memory?

Mr. DEAN. Yes, sir.

Mr. ST. CLAIR. Now, what is your best memory as to when you met with Mr. LaRue to discuss a payment to Mr. Hunt?

Mr. DEAN. I will stand on as I have just testified.

Mr. ST. CLAIR. You can't tell us whether it was on the 21st or the 20th?

Mr. DEAN. That is correct.

Mr. HUNGATE. Mr. Chairman, I believe, as I sit here, that he has answered that question maybe twice. Now, I know that he answered the call about whether he made one on Friday or not, the same



question, approximately twice. And some of these others, I don't see what we gain by excessive repetition with the witness.

Mr. EDWARDS. Thank you, Mr. Hungate.

You may proceed.

Mr. DENNIS. Mr. Chairman.

Mr. EDWARDS. Mr. Maraziti.

Mr. MARAZITI. I think if we are going to allow Mr. St. Clair to examine, he should have the full right to examine fully. We must admit that Mr. Dean is a very important witness and I don't think the right of examination of Mr. St. Clair should be circumscribed.

Mr. HUNGATE. Mr. Chairman, I certainly do not want to circumscribe it. I just get a little caught up when the same question comes by two or three or four times.

Mr. EDWARDS. Thank you.

You may proceed, Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

Well, now, you say whenever it was you met with Mr. LaRue, he came to your office.

Mr. DEAN. That is my recollection, yes.

Mr. ST. CLAIR. As a result of a telephone call, is that correct?

Mr. DEAN. I said that was entirely possible.

Mr. ST. CLAIR. Do you have a memory of that?

Mr. DEAN. No, I do not.

Mr. ST. CLAIR. But you do have a memory of him coming to your office?

Mr. DEAN. Yes, sir, I do.

Mr. ST. CLAIR. Sitting opposite your desk?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And you had a conversation with him with respect to Mr. Hunt's demands?

Mr. DEAN. A very brief conversation, yes.

Mr. ST. CLAIR. Well, how brief? How long did it last?

Mr. DEAN. I would not say it lasted 3 or 4 minutes.

Mr. ST. CLAIR. Who initiated this contact with Mr. LaRue?

Mr. DEAN. Well, when Mr. LaRue came to my office, he came of his own volition.

Mr. ST. CLAIR. I understand, but did you initiate a call to him or some other communication that resulted in his coming to your office?

Mr. DEAN. I believe I have testified that that is entirely possible, yes. I don't have a recollection of it, though.

Mr. ST. CLAIR. I see.

Well, you had certain information that you wanted to impart to him, did you not?

Mr. DEAN. My memory of it is that he came seeking information from me as to what I was going to do about the demand that had been made and I told him that I didn't plan to do anything about it.

Mr. ST. CLAIR. Where did you understand he learned of this demand?

Mr. DEAN. I presumed he had learned it from Mr. O'Brien.

Mr. ST. CLAIR. Did Mr. O'Brien tell you that?

Mr. DEAN. He did not.

Mr. ST. CLAIR. Did Mr. LaRue tell you that?

Mr. DEAN. The discussion was not that long.

Mr. ST. CLAIR. I take it the answer is no.

Mr. DEAN. That is correct.

Mr. ST. CLAIR. All right.

Does that refresh your recollection that you sought out Mr. LaRue to impart this information to him?

Mr. DEAN. No, it does not.

Mr. ST. CLAIR. Do you deny that you sought him out to give him this information?

Mr. DEAN. No, I do not.

Mr. ST. CLAIR. Thank you.

And you informed him that you had had a demand or a request for money from Mr. Hunt, did you not?

Mr. DEAN. He asked—the meeting I recall, he asked me what I was going to do about Mr. Hunt's demand.

Mr. ST. CLAIR. It is your testimony, then, that he initiated the discussion regarding this demand?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And not you?

Mr. SHAFFER. May he finish his answer?

Mr. ST. CLAIR. Of course. I don't mean to cut you off. I had only requested you answer the question.

Let's start again, then.

Is it your testimony that he initiated the subject of the payment to Hunt in the course of this meeting or that you did?

Mr. DEAN. In the meeting I recall, where he came to my office, he asked me what I was going to do about Mr. Hunt's demand.

Mr. ST. CLAIR. Do you recall in the conversation you had with him, if you had one, by telephone that you told him initially about this conversation? With Hunt?

Mr. DEAN. I am sorry, I do not recall that telephone call, but I am not saying that it may not have happened.

Mr. ST. CLAIR. Well, in any event, you had a discussion regarding these payments, right?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And you told him that—well, you tell us what you told him.

Mr. DEAN. I just went through that. Do you want me to repeat it again?

Mr. ST. CLAIR. If you don't mind.

Mr. DEAN. When Mr. LaRue arrived in my office, he asked me what I was going to do about these demands and I told him that I didn't plan to do anything, that I was not in the money business.

He said, what do you think I should do?

And I said, I think you ought to get hold of John Mitchell.

Mr. ST. CLAIR. And what did he then say?

Mr. DEAN. He said fine and left the office.

Mr. ST. CLAIR. And that is the sum total of it?

Mr. DEAN. That is the sum total of my recollection of the meeting, yes.

Mr. ST. CLAIR. Well, now, shortly, or sometime after that meeting with Mr. LaRue, you met with the President of the United States, did you not?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. You did not tell the President of the United States of this meeting with Mr. LaRue, did you?

Mr. DEAN. During the morning meeting on the 21st?

Mr. ST. CLAIR. That is right.

Mr. DEAN. I don't recall that I did, no.

Mr. ST. CLAIR. You didn't tell the President of the United States that you had referred Mr. LaRue—down here it sounded like a question. May I continue?

Mr. BROOKS. Please do.

Mr. ST. CLAIR. And you didn't, certainly, tell the President that you had suggested that Mr. LaRue might well go see Mr. Mitchell, did you?

Mr. DEAN. That is correct. Was it a —

Mr. ST. CLAIR. Was there some reason why you did not want the President to know that you had suggested that LaRue go see Mitchell?

Mr. SHAFFER. My witness had a question that Mr. St. Clair drowned out with his question and I would like my witness please to ask his question on the record.

Mr. EDWARDS. Mr. St. Clair, would you please ask the question again?

Mr. ST. CLAIR. I think Mr. Dean wanted to ask the question.

Mr. DEAN. I was trying to get a clarification, Mr. Chairman.

Mr. EDWARDS. Mr. Dean.

Mr. DEAN. You were referring to the morning meeting or the meeting in the afternoon with the President?

Mr. ST. CLAIR. The morning meeting?

Mr. DEAN. The morning meeting.

Mr. ST. CLAIR. Yes. And if you met with Mr. LaRue on the morning of the 21st, it would be within a matter of an hour or so that you met with the President of the United States, is that right?

Mr. DEAN. Yes.

Mr. ST. CLAIR. That is right. And if you met with him on the day before, it would have been within a day of the meeting with the President of the United States.

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Do you have any reason why that you can tell us you told the President about the meeting with Mr. O'Brien but not the meeting with Mr. LaRue?

Mr. DEAN. Well, if we take the entire meeting of the 21st in context, which is the only way I can take it, I was trying to give the President a broad overview of the entire situation and I have to also go back to my conversation with him the night before as to what I was trying to do and why I was trying to do it.

Mr. ST. CLAIR. Did you tell him about Mr. LaRue's visit the night before?

Mr. DEAN. I don't recall that I did, no.

Mr. ST. CLAIR. Did you tell him about Mr. LaRue's visit on the afternoon of the 21st of March?

Mr. DEAN. In the afternoon, the question came up and I recall a reference, upon reading the transcript, that I had not spoken with LaRue since the morning meeting.

Mr. ST. CLAIR. Well, in fact, what you said was you hadn't talked with either Mitchell or LaRue. Isn't that right?

Mr. DEAN. Since the morning meeting.

Mr. ST. CLAIR. It does not happen to show since the morning meeting in the transcript, does it?

Mr. DEAN. No, but that is what the reference is clearly to.

Mr. ST. CLAIR. So you say.

Mr. DEAN. So I testify, yes.

Mr. ST. CLAIR. All right.

I am curious to know why you felt you should not tell the President about your meeting with Mr. LaRue.

Mr. DEAN. Well, I am sure that there are a lot of things in the course of the conversation where I was trying to give the President a general overview and I didn't get into every single specific. I can think of countless other specifics that I didn't get into at the time of the meeting—

[Material unrelated to testimony of witness deleted.]

Mr. ST. CLAIR. When you testified before the Senate committee, do you recall telling the committee that on March 21, you told the President everything you knew at that time—this would be at page 1078. Do you recall that?

Mr. DEAN. I am sorry, I don't have that page in this volume.

Mr. EDWARDS. I think this would be a good time to recess for 10 minutes for a vote, final passage of the disability amendments bill.  
[Recess.]

Mr. EDWARDS. You may proceed.

Mr. ST. CLAIR. Mr. Chairman, what's your desire? Shall I try to reconstruct or just go ahead?

Mr. EDWARDS. Would you reconstruct, please, Mr. St. Clair?

Mr. ST. CLAIR. All right.

Mr. DEAN, in order to shorten this up a little bit, can we agree that in your testimony before the Senate Select Committee, your testimony identified the meeting with the President on March 13 as the meeting in which you told him about Mr. Hunt's demands in fact took place on March 21?

Mr. DEAN. Again as I believe I answered, although I phrased it a little differently this time, upon reviewing the transcript of the 13th and the 21st, it appears that what I had the impression occurred on the 13th did occur on the 21st. However, I still have the, harbor the impression and the recollection that I had discussed money with the President preceding the 21st.

Mr. ST. CLAIR. You can't fix any specific conversation as to time and place?

Mr. DEAN. No, sir, I cannot.

Mr. ST. CLAIR. It is just an impression of yours?

Mr. DEAN. Well, in preparing my Senate testimony, I had many impressions which I did not testify to.

Mr. ST. CLAIR. Well, I am sure you have reviewed the transcript of March 21?

Mr. DEAN. Yes, I have.

Mr. ST. CLAIR. And you recall early on in the conversation saying words to the President to the effect that you wanted to let him know some things that you knew that you thought he did not know, or words to that effect?

Mr. DEAN. That is again a rephrase of a question a little differently, and I am answering it that given the conversation I had with the President on the preceding evening, given the fact that I had met with Ehrlichman just before he went to the President's office, given the fact that I saw John Ehrlichman coming out of the President's office just before I went in, I had the impression that the President was aware of the fact that Mr. Hunt had made a demand even before I walked in the office.

Mr. ST. CLAIR. You said to the President on page 80<sup>1</sup> of the transcript, "I have the impression that you don't know everything I know."

Do you recall that?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And one of the things you recited to him under that heading of things that he didn't know that you know was Hunt's demands, is that right?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And later on, at page 100, you said, do you recall this: "I know, sir, it is. Well, I can just tell from our conversations that you know, these are things that you have no knowledge of."

Mr. DEAN. That is a reference to pre-June 17.

Mr. ST. CLAIR. Well—

Mr. DEAN. And I think if you read it in context, you will find it is such.

Mr. ST. CLAIR. All right. But this was—how about the conversation with Mr. Moore on the day before? Do you recall telling Mr. Moore in substance, there are things the President does not know that I think he ought to know, or words to that effect?

Mr. DEAN. Yes, I did, and as I testified in the Senate, I hadn't told Mr. Moore all of the things I discussed with the President.

Mr. ST. CLAIR. And you incidentally told others substantially the same thing before you met with the President on the morning of the 21st?

Mr. DEAN. For example?

Mr. ST. CLAIR. Mr. Krogh.

Mr. DEAN. No, I think what I recall telling Mr. Krogh is I think he was getting bad—the President's advisers were doing him an injustice.

Mr. ST. CLAIR. And that you think you ought to give the President some more information that you thought he didn't have.

Mr. DEAN. I thought the President ought to understand the implications of what was going on.

Mr. ST. CLAIR. I see. It was your view at that time that the President did not understand what you say were the implications of what was going on.

Mr. DEAN. As I testified, or as I told the President on the night of the 20th in a telephone conversation, I thought that he should hear me out in light of a conversation that I had had with John Ehrlichman and the fact that John Ehrlichman had been down to his office after that conversation so that he could judge for himself, based on my feeling about the implications of all these things in their broadest context. That is a paraphrase, I think—

<sup>1</sup> See House Judiciary Committee, "Transcripts of Eight Recorded Presidential Conversations" (hereinafter "HJC Transcripts"), p. 80.

Mr. ST. CLAIR. Yes; and he agreed to hear you out?

Mr. DEAN. Yes; he did.

Mr. ST. CLAIR. And you said, now, Mr. President, in substance, I think there are things you ought to know and understand the implications of, and you began to recite them, didn't you?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Thank you.

Now, sir, without going through that entire conversation, is it fair to say that at the conclusion of the conversation as far as any payment to Hunt was concerned, nothing was resolved and the matter was left hanging?

Mr. DEAN. Well, I have got to answer your question this way: As far as the raising of any money was concerned, that was certainly left hanging. As I so testified in the Senate.

As far as my own involvement in having to do anything about the money, I had gone in with the intent of trying to turn off the payment to Hunt. I came out, having been turned around as far as the desirability or not desirability of doing that, that indeed, the President felt it was desirable, but I knew I had nothing or had the impression I had nothing to do with it and would not have any responsibility for it.

Mr. ST. CLAIR. Do you recall testifying on page 1423 of book IV "And the money matter was left very much hanging at that meeting. Nothing was resolved."

Do you recall testifying to that?

Mr. DEAN. Yes, with regard to——

Mr. ST. CLAIR. Is that the truth?

Mr. DEAN. Yes, it is. With regard to the raising of a million dollars, I didn't think there was anything resolved as to how to raise a million dollars.

Mr. ST. CLAIR. It says, "The money matter was left very much hanging and nothing was resolved." Is that the truth?

Mr. DEAN. I will stand on my last answer, Mr. St. Clair.

Mr. ST. CLAIR. Well, is the sentence "Nothing was resolved" the truth?

Mr. DEAN. The question is what I was referring to in the Senate, and if you read that in context, you will recall I was talking about how to raise a million dollars, not whether to pay or not to pay a demand.

Ms. HOLTZMAN. Mr. St. Clair, what page are you on?

Mr. ST. CLAIR. 1423 of book IV, Ms. Holtzman.

Ms. HOLTZMAN. Thank you.

Mr. ST. CLAIR. Was the matter of paying anything to Mr. Hunt resolved to any further extent in the afternoon meeting that you attended with the President on the 21st?

Mr. DEAN. You are asking me based on my review of the tapes?

Mr. ST. CLAIR. Your memory based on any source it has been refreshed by.

Mr. DEAN. I still had the same impression that I had no responsibility for raising money or paying any demands.

Mr. ST. CLAIR. And you had informed the President that Mr. O'Brien had been, in effect, turned off by you, told to go elsewhere, that you were out of the business, right?

Mr. DEAN. I don't believe I said that. I believe that I said in the

afternoon meeting that LaRue and Mitchell were aware of his—referring to Hunt's—feelings about it, and that this was——

Mr. ST. CLAIR. I am talking about the morning, I am sorry. It was a poor question.

In the morning, you told the President in substance that you turned O'Brien off?

Mr. DEAN. I had told him I was out of the money business, yes.

Mr. ST. CLAIR. Right. And you told the President in the afternoon that you had not talked with either LaRue or Mitchell, and you say you meant since the morning meeting.

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Thank you.

Now, sir, before you went to the afternoon meeting at which the President attended on the 21st, you told us this morning that you met with Mr. Ehrlichman and Mr. Haldeman before you went in to see the President, is that right?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And you had a discussion with them about the situation, did you not?

Mr. DEAN. Which situation are you referring to, please?

Mr. ST. CLAIR. Well, the situation posed by Mr. Hunt's demands.

Mr. DEAN. Well, I think it was broader than that.

Mr. ST. CLAIR. Well, I am sure it was, but you had a discussion with them about that broad subject matter that was involved in part in Hunt's demands.

Mr. DEAN. About the continuing of the coverup.

Mr. ST. CLAIR. Right.

Mr. DEAN. And how to get the President out in front of it.

Mr. ST. CLAIR. Right. I was a little more interested in your testimony this morning that there was a suggestion that maybe we could get Mr. Mitchell to come in and plead guilty on this, or words to that effect.

Do you recall that?

Mr. DEAN. Yes, I do.

Mr. ST. CLAIR. And you said that was most appealing to you, did you not?

Mr. DEAN. I don't believe I testified to that.

Mr. ST. CLAIR. Was this a suggestion between you, Haldeman, and Ehrlichman, that maybe you could pin this on Mr. Mitchell?

Mr. DEAN. I believe it was a review of what we are going to do now that we are in this situation, and I don't think we ever——

Mr. ST. CLAIR. What did you mean—excuse me, I don't mean to cut you off.

Mr. DEAN. Well, the problem had always been Mr. Haldeman and Mr. Ehrlichman had not wished to talk with Mr. Mitchell. No one would sit down and talk amongst one another and I was the conduit between them. One group would tell me to do one thing, the other would say to do the other thing. It was time to sit down and figure out how to deal with this problem.

The sympathy at the White House—and I believe I was trying to convey the fact that the White House just should not be continued in the coverup—was to possibly, if Mr. Mitchell would stand up and be accounted for, that the postactivities would be ignored. That is when I

had my conversation with Mr. Haldeman about drawing the wagons around the White House and the like, as Mr. Haldeman had always had the strong feeling that but for the White House having to help out the committee, the White House would not have any problems.

Mr. ST. CLAIR. And that would include you?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. So that you suggested in substance if you could only get Mr. Mitchell to assume the responsibility, at least you and maybe the others could go free, is that it?

Mr. DEAN. I think there was a mutuality of understanding that that might avoid the problem and avoid the problems it might create for the President as well.

Mr. ST. CLAIR. I see.

Then you went in to see the President?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Now, do you recall testifying before the Senate committee that while in this meeting on the afternoon of March 21, in the President's presence, you directly accused Mr. Ehrlichman and Mr. Haldeman of obstruction of justice in the presence of the President?

Mr. DEAN. I recall that testimony, yes.

Mr. ST. CLAIR. Have you reviewed the transcript of the afternoon meeting with the President?

Mr. DEAN. Yes, I have.

Mr. ST. CLAIR. Do you observe, as I do, there is no such conversation?

Mr. DEAN. I observe that it appears that the first part of the transcript is missing, or the first part of the conversation is missing.

Mr. ST. CLAIR. I see. My question was, Do you observe in the transcript there is no such conversation?

Mr. DEAN. In the transcript that is published, that appears to be the case, yes. There are indirect references to it in that Mr. Ehrlichman makes a rather snide remark to me that counsel here reads the statutes that, and reference of that, that would indicate that it might well have occurred prior to the point that these transcripts pick up.

Mr. ST. CLAIR. Now, sir, on the morning of the 22d, you met with Mr. Mitchell and Mr. Ehrlichman and Mr. Haldeman.

Mr. DEAN. Correct.

Mr. ST. CLAIR. And you have testified that Mr. Mitchell said something about not having to worry about Hunt anymore.

Mr. DEAN. Well, I testified that Mr. Ehrlichman raised the question.

Mr. ST. CLAIR. It would be a lot easier if you would just answer yes or no, if you could. You know, time marches.

Mr. DEAN. I understand.

Mr. ST. CLAIR. Thank you.

Mr. DEAN. But I want the committee to have the full information I have.

Mr. ST. CLAIR. I gather that. Now, just answer the question.

Mr. DEAN. Would you repeat the question.

Mr. SHAFFER. I object, Mr. Chairman.

Mr. EDWARDS. Mr. St. Clair, will you repeat the question, please? Start over again.

Mr. ST. CLAIR. My only point is, Mr. Chairman, the answers have been very extensive and to a great extent not responsive. But I will not raise the point. I will go ahead.



Mr. SHAFFER. I would like to note my objection to Mr. St. Clair's conclusion that the answers are not responsive. That is in his opinion and I would like the record to reflect that.

Mr. EDWARDS. Very good.

Mr. HUNGATE. Mr. Chairman, I was here yesterday and I find them to be so responsive as to be unbelievable in comparison.

Mr. EDWARDS. Mr. Chairman, would you pose your question.

Mr. DANIELSON. Point of order.

Mr. ST. CLAIR. I apologize. I am sorry.

Mr. EDWARDS. Mr. Danielson.

Mr. DANIELSON. I have not heard the answer. I feel that in order to discharge my constitutional duties, I need that answer badly and I would be prejudiced in making my judgment if I didn't hear the entire answer. I therefore request that we hear the answer.

Mr. EDWARDS. The Chair has requested Mr. St. Clair to pose the question once again.

Mr. ST. CLAIR. And I must apologize. May it be read? I don't recall the question.

Mr. DEAN. I can save time. I recall the question and the answer I was going to give.

Mr. EDWARDS. Is that satisfactory, Mr. St. Clair?

Mr. ST. CLAIR. Yes.

Mr. DEAN. The question was, Did Mr. Ehrlichman say there would be no problem with regard to Hunt's demand? The answer was yes he did so respond. Mr. Mitchell responded in that manner after Mr. Erlichman had raised it very early on in the meeting.

Mr. EDWARDS. Very good.

Proceed, Mr. St. Clair.

Mr. ST. CLAIR. Now, sir, did you report this fact to the President when you met with the President that afternoon?

Mr. DEAN. With Erlichman and Mr. Haldeman?

Mr. ST. CLAIR. Yes.

Mr. DEAN. No, I did not. I was not in a reporting posture in that meeting, if you will note the transcript.

Mr. ST. CLAIR. Well, did Mr. Ehrlichman, in your presence, or Mr. Haldeman, tell the President about it?

Mr. DEAN. In my presence, they did not.

Mr. ST. CLAIR. You were able to talk about such matters. I mean, no one put a gag on you, did they?

Mr. DEAN. The question came up.

You are talking about the afternoon of the 21st?

Mr. ST. CLAIR. That is right, when you and the President were together.

Mr. DEAN. That conversation had occurred on the morning of the 22d, so it would be impossible to report it on the afternoon of the 21st.

Mr. ST. CLAIR. I am sorry. I misspoke.

Directing your attention to the afternoon of the 22d, you were with the President?

Mr. DEAN. Right.

Mr. ST. CLAIR. Participating in the conversation. Were you alarmed at the fact that apparently \$75,000 had been paid to Mr. Hunt?

Mr. DEAN. No, sir, I was not. That was not the first time something like that had happened.

Mr. ST. CLAIR. So you weren't alarmed at that fact?

Mr. DEAN. No sir.

Mr. ST. CLAIR. I thought you said you had determined to stop this.

Mr. DEAN. I had determined that I was not going to be involved in it and I was going to, I tried to persuade and advise the President that it should not be done.

Mr. ST. CLAIR. You tried to persuade the President that it should not be done, right?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. All right. And then——

Mr. DEAN. I might add, though, that the President had persuaded me to the contrary by the time I left the meeting.

Mr. ST. CLAIR. Well, now, Mr. Chairman, in all fairness, that is a gratuitous answer, not responsive, and I ask that it be struck.

Mr. HUNGATE. Mr. Chairman, that is the result of asking the same question twice in a row.

If the Clerk will read the question.

Mr. EDWARDS. Mr. St. Clair, the Chair rules that the answer shall remain in. It is not that important.

Mr. ST. CLAIR. Well, in any event, sir, you did not tell the President when you were with him on the 22d of this apparent payment, did you?

Mr. DEAN. The subject of the conversation was entirely different and I did not raise it, no.

Mr. ST. CLAIR. All right. And no one else did in your presence?

Mr. DEAN. Not in my presence, no.

Mr. ST. CLAIR. Although you and Mr. Ehrlichman and Mr. Halde-  
man, and you say Mr. Mitchell, had discussed it that very morning?

Mr. DEAN. There had been a fleeting reference, that is correct.

Mr. ST. CLAIR. And it was a reference that indicated to you that the payment had been made?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And you were not alarmed by that?

Mr. DEAN. No sir.

Mr. ST. CLAIR. Now, was it during the course of the afternoon of March 22 that you had a discussion involving the claiming of executive privilege in the upcoming Ervin committee hearings?

Mr. DEAN. Yes sir.

Mr. ST. CLAIR. Those hearings had not yet commenced, had they?

Mr. DEAN. No sir.

Mr. ST. CLAIR. There had been a number of discussions, I think you have told us this morning, but executive privilege in relation to these upcoming hearings?

Mr. DEAN. Yes, there had been.

Mr. ST. CLAIR. Had the President made a statement with regard to that?

Mr. DEAN. He had issued a statement, that is correct.

Mr. ST. CLAIR. And what was the thrust of the statement, if you can recall?

Mr. DEAN. The statement said in effect that no present or former members of the White House staff would be permitted to testify on matters that fell within the general parameters of executive privilege.

Mr. ST. CLAIR. And this had been a plan for some period of time prior to March 22?

Mr. DEAN. Yes, it had.

Mr. ST. CLAIR. How long would you say the plan had been to exert executive privilege with respect to these hearings?

Mr. DEAN. Well, I believe it was first discussed at LaCosta. There were discussions after that when Mr. Moore began drafting the statement. Others were working on it. The statement evolved. At one point, there was no reference to former members of the White House staff. Mr. Colson got word of that, got quite exercised about it, talked to me. I presume he talked to Mr. Ehrlichman based on the conversations I subsequently had with Mr. Ehrlichman. It was decided to expand the statement to include former White House staff. There were a lot of people involved in the preparation and finality of the statement. It went over a several-week period.

I can recall when Senator Baker came down to meet with the President, I was asked to rush down to the EOB office and provide a copy of the draft, as it was in that status at that time. I am trying to think of the day of that meeting. It was in February—I would say maybe February 20, somewhere around there.

Mr. ST. CLAIR. So the plan was to not participate by permitting White House personnel to testify, was not that about it?

Mr. DEAN. Well, the theory that had evolved was with a broad statement, there would be a position of flexibility to negotiate back from there and handle it in that manner.

Mr. ST. CLAIR. Mr. Mitchell expressed a contrary view on the meeting of the afternoon of March 22, did he not?

Mr. DEAN. He thought that the President was getting bad public relations on the matter.

Mr. ST. CLAIR. And he felt that the President ought not to persist in this plan, isn't that right?

Mr. DEAN. That is correct, yes.

Well, he thought that it was, you know—when the question came up in the meeting, and you are familiar with the transcript, you will note that the President asked me what I thought about it, and I said I still thought it was a good statement.

He asked Ehrlichman what he thought about it. He thought it was still a good statement and we agreed it was the position that gave the President considerable flexibility.

Mr. ST. CLAIR. But Mitchell had a different view.

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Ultimately, the President almost 100 percent reversed that view?

Mr. DEAN. Ultimately, did he?

Mr. ST. CLAIR. Yes.

Mr. DEAN. In what time frame are you talking about?

Mr. ST. CLAIR. Well, you were permitted to testify free of executive privilege.

Mr. DEAN. A lot of things happened between the——

Mr. ST. CLAIR. I understand that.

Mr. DEAN [continuing]. The time of that and his waiving of executive privilege, yes.

Mr. ST. CLAIR. And you were even permitted to testify free of attorney-client privilege.

Mr. DEAN. Yes.

Mr. SHAFFER. I would like to register an objection.

Mr. EDWARDS. Counsel.

Mr. SHAFFER. I would like the record to note that irrespective of what position the White House ever took on executive privilege or attorney-client privilege, that Mr. Dean was prepared to testify in the Senate and was prepared to take the position that there was no attorney-client privilege with respect to matters of public affairs and that there was no executive privilege which bound him.

Mr. EDWARDS. Counsel's objection is noted.

Mr. St. Clair, you may proceed.

Mr. ST. CLAIR. Well, all right.

You had written a memorandum supporting executive privilege as as basis for refusal, had you not?

Mr. DEAN. I had written the memorandum?

Mr. ST. CLAIR. Yes.

Mr. DEAN. I am sure I wrote many memoranda on executive privilege while I was in the White House.

Mr. ST. CLAIR. To shorten the thing up, when did the hearings start?

Mr. DEAN. The Senate hearings?

Mr. ST. CLAIR. Yes.

Mr. DEAN. When did I testify?

Mr. ST. CLAIR. No; when did they start, if you recall?

Mr. DEAN. I think in May.

Mr. ST. CLAIR. Of 1973?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. All right.

And during the course of those hearings, no executive privilege was exerted by the President to anybody's testimony, isn't that right?

Mr. DEAN. That is correct, I believe.

Mr. ST. CLAIR. Thank you.

Now, was there any discussion during the course of the meetings, let's say starting as early as March 21, about the possibility of White House people testifying before grand juries?

Mr. DEAN. Yes, there was.

Mr. ST. CLAIR. And did you recommend that?

Mr. DEAN. I recall when it first came up in the morning of the 21st, I said, that is one avenue, but the problem that I tried to point out is that as far as I was concerned, if I went down there, I was going to tell the truth and the feathers would start flying.

Mr. ST. CLAIR. Did the President indicate that he felt that the calling of a grand jury and testifying would be something that he would prefer?

Mr. DEAN. The President never reached a definite opinion on that. We vacillated back and forth and there was a lot of discussion about that. This was primarily Mr. Ehrlichman's idea.

I talked to Mr. Ehrlichman and Mr. Ehrlichman had a different perception of the testimony that might come out than I did.

Mr. ST. CLAIR. Well, the time came when you were asked to testify before a grand jury, were you not?

Mr. DEAN. When I was asked to testify before a grand jury?

Mr. ST. CLAIR. Yes.

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Do you recall Mr. Ehrlichman, on or about March 30, conveying a message to you that the President wanted you to testify before a grand jury?

Mr. DEAN. I can recall that while I was at Camp David, I received a call from Mr. Haldeman, who said, well, if you go before the grand jury, what will you testify to?

I told him, because they were talking about putting a statement out that morning about Dean going before the grand jury. After I told him the highlights of some of the things I would testify to, suddenly the statement about Dean going to the grand jury was not released.

Mr. ST. CLAIR. My question was do you recall Mr. Ehrlichman conveying a message to you that the President desired that you go before the grand jury?

Mr. DEAN. At what time, please?

Mr. ST. CLAIR. Near the end of March.

Mr. DEAN. I don't recall talking to anybody—oh, at the end of March?

Mr. ST. CLAIR. Yes.

Mr. DEAN. Yes, I do, because I remember when we were talking about that, that I would be called before the grand jury, I told them I thought I would be called and they asked me to go see Mr. Mitchell and explain to Mr. Mitchell that I was going to go to the grand jury. I have submitted for the record in the Senate hearings a meeting I had with Mr. Mitchell on April 10, where I told him that I thought I would appear before the grand jury and that I had done that at Mr. Erlichman's and Mr. Haldeman's request, gone and told him that. And indeed, I was prepared to go before the grand jury.

Mr. ST. CLAIR. Was it clear to you that at least as of that date, the President had determined that at least you should testify before the grand jury?

Mr. DEAN. I didn't get that from the President, no. I got that from Mr. Ehrlichman.

Mr. ST. CLAIR. As a result of the message delivered to you by Mr. Ehrlichman?

Mr. DEAN. Yes; but I don't recall him saying that the President wants you to go to the grand jury.

Mr. ST. CLAIR. I see. Well, now—

Mr. DEAN. And I might add also that Mr. Ehrlichman, after that decision had been made and I had related some others, reported to me that there is now incredible pressure—and this was in April—for you not to go to the grand jury.

Mr. ST. CLAIR. Well, at least as of the end of March, you received a message from Mr. Ehrlichman to the effect that there was a desire that you go before the grand jury, is that right?

Mr. DEAN. I told him I thought I would be called before the grand jury and they were registering no objections at that time.

Mr. ST. CLAIR. All right.

Now, during the period from March 22 until the end of March—that is about a week to 8 days—you spent how long in Camp David?

Mr. DEAN. I went to Camp David on the afternoon of the 23d. I think I arrived at Camp David about midafternoon. I arrived at Camp David in the afternoon of the 23d and was there until I was called back by Mr. Haldeman on the 27th or 28th, I think it was.

Mr. ST. CLAIR. Now, you say that while you were at Camp David, you learned that someone wanted you to write some kind of a report, the exact nature of which was not clear to you.

Mr. DEAN. Not someone, very specifically, Mr. Haldeman called me.

Mr. ST. CLAIR. All right. And you spent some time in working on such a report?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Did you ever produce such a report?

Mr. DEAN. No; I told them I would not turn it over to them. I told them I had not been able to complete it.

Mr. ST. CLAIR. When did you deliver that message and to whom?

Mr. DEAN. I told them that I was working on it and after I had retained counsel and I had noted a little different attitude toward me—in fact, every time I had raised testimonial areas with someone, their reflection became very fuzzy, their attitudes were very different, and I decided I did not want to turn over the document I had prepared.

You asked me who asked for the document?

Mr. ST. CLAIR. To whom did you tell that you either could not or would not furnish such a report?

Mr. DEAN. I recall telling Mr. Ehrlichman—I don't know if I spoke with Mr. Haldeman about it or not. I remember Mr. Ehrlichman called me from the west coast and asked me to send whatever I had. I said, well, I hadn't finished the Watergate part of it but I would send him what I had on Segretti, which had been prepared by Dick Moore and I said I hadn't reviewed it.

He said, well, Dex it out to us as soon as you can.

Mr. ST. CLAIR. Did you understand that Mr. Ehrlichman was conducting an investigation into the Watergate matter?

Mr. DEAN. No, I did not.

Mr. ST. CLAIR. But you do recall a request from him in California to send out whatever you had?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Now, sir, is it your testimony that the President did not ask you to write a report?

Mr. WALDIE. Mr. Chairman.

Would you have him recall the date of the call from California from Mr. Ehrlichman to Mr. Dean?

Mr. DEAN. Mr. Waldie, it was from California, during the week of—sometime after the 30th, I would think, when they left for California, and they were out there during that first week of April, and I can't tell you which day it is. There would certainly be a record in the White House as to when the document was Dexed out. That is the electronic machine that can transmit photocopies over the wire. There would be a record of that in the military aide's office. That was the day that—

Mr. EDWARDS. Thank you.

Mr. ST. CLAIR.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

Do you recall testifying at page 1385 of book 4 of the Senate Select Committee transcript as follows on the question of this report:

"He"—meaning the President—"never at any time asked me to write a report and it was not until after I had arrived at Camp David that I received a call from Haldeman asking me to write the report up?"

Do you remember so testifying?

Mr. DEAN. Yes, I do.

Mr. ST. CLAIR. Was that the truth?

Mr. DEAN. Yes, it is.

Mr. ST. CLAIR. Have you reviewed the transcript of your meeting with the President on the afternoon of—

Mr. DEAN. The 22d?

Mr. ST. CLAIR. March 22?

Mr. DEAN. Yes, I have.

Mr. ST. CLAIR. Would you agree that the President, in the course of that conversation, asked you to go to Camp David to write up a report?

Mr. DEAN. I would agree that he suggested that I might go to Camp David and write the report. But the reference that you have cited in the Senate testimony is to the fact, and it is repeated elsewhere in the Senate testimony, that, we are talking about the instruction on the 23d in the telephone conversation I received from the President on the 23d, and to which I have testified again this morning, that the President at no time during that call asked me to write a report. He wanted me to go up there and relax, unwind, think about things. There was no mention of a report until I got to Camp David that afternoon.

Mr. ST. CLAIR. But you testified before the Senate that the President never at any time asked you to write a report, didn't you?

Mr. DEAN. Well, that is—then I have misspoken myself with reference to that call. But I still believe it is quite clear that I am referring to the fact that on the 23d, in the call from the President, I did not—if you read the full context of that page—

Mr. ST. CLAIR. That is 1385.

Mr. DEAN. It starts "Senator Gurney. At any rate, did you go to Camp David sort of understanding that you were going to write a report about Watergate, is that right?"

"No, sir. When the President talked to me on the 23d, I talked to O'Brien that morning"—so on and so forth. "I called Ehrlichman" and so on and so forth.

Then I get down to the fact, "But I recall the conversation very clearly"—referring to the conversation of the 23d—"because there are no such complications." The complication was regarding Mrs. Nixon and Tricia being up there.

The whole discussion, Mr. St. Clair, is about the conversation on the 23d. At no time during that call did he ask me to write a report.

Mr. ST. CLAIR. Have I misread your testimony when I said you testified he never at any time—

Mr. DEAN. I think you have.

Mr. ST. CLAIR. Do you have page 1385 before you?

Mr. DEAN. I have it right in front of me, yes.

Mr. ST. CLAIR. Do the words appear "He," meaning the President, "never at any time asked me to write a report." Do they appear there?

Mr. DEAN. Yes, they do.

Mr. ST. CLAIR. Do you say the transcript is inaccurate?

Mr. DEAN. No; I say it is in the context of the call of the 23d.

Mr. ST. CLAIR. Is the word "never" limited in some respect?

Mr. DEAN. To the call of the 23d, yes.

Mr. ST. CLAIR. "At any time"—is that limited to some extent?

Mr. DEAN. To the call of the 23d, yes.

Mr. ST. CLAIR. Thank you.

Mr. CONYERS. Mr. Chairman, I object.

Mr. DANIELSON. I don't think it will add to our understanding to have the witness badgered and I would like to have this at an end.

Mr. EDWARDS. I believe the proceedings are going along in a proper manner and I hear no objection from the witness' counsel.

Mr. ST. CLAIR.

Mr. ST. CLAIR. Thank you, sir.

Well, now, sir, this plan to claim executive privilege before the Senate committee—I think we have covered it briefly—ran over a long period of time, right?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. When did you last participate in any aspect of the decision as to whether or not that plan should be continued?

Mr. DEAN. If you can give me just a moment, I think I can tell you.

I think that the last time I had any discussions with anyone was on the 16th of April 1973.

Mr. ST. CLAIR. And with whom was that discussion?

Mr. DEAN. I believe it was with Dick Moore. Possibly Len Garment also.

Mr. ST. CLAIR. Now, during the course of the discussions that ran over many weeks, do you recall that the plan was sometimes referred to in the course of those conversations as stonewalling the committee?

Mr. DEAN. That was a common term used around the White House and I don't recall it being synonymous with executive privilege, no.

Mr. ST. CLAIR. Well, do you remember any discussions about maybe we should stonewall the committee, or words to that effect?

Mr. DEAN. I am sure that was said. If you will give me a specific reference in the transcript, I might be able to help you.

Mr. ST. CLAIR. Well, by the exercise of executive privilege with respect to all testimony and all documents, that is what would result, would not it?

Mr. DEAN. That isn't the concept of stonewall as I understood it.

Mr. ST. CLAIR. Oh, I see, all right.

Well, do you recall discussions particularly by Mr. Mitchell to the effect that that would look like a coverup?

Mr. DEAN. On the afternoon of the 22d, with reference to discussing?

Mr. ST. CLAIR. Yes.

Mr. DEAN. Yes, I do.

Mr. ST. CLAIR. All right.

Mr. DEAN. Not with regard to stonewalling. Executive privilege that went too far.

Mr. ST. CLAIR. Right. That is one of the reasons why he was against it, is that right?



Mr. DEAN. He thought it was very bad public relations, yes.

Mr. ST. CLAIR. Right. Now, what was the status of the plan on April 16, when you last had any discussions concerning it, if you now remember?

Mr. DEAN. That the fact that there was going to be discussion, that people would go up and testify and the question I was principally involved in was as to who was or was not going to turn in their resignation and what was going to be said about what had happened over the preceding weekend. I can't tell you what the thinking finally was on the position of executive privilege, because I was not privy to those discussions and obviously, from reading the additional transcripts that you have provided, it is understandable why I was not privy.

Mr. ST. CLAIR. Well, now, is it fair to say, then, that as of April 16, at least, you observed any change in an attitude that had existed earlier?

Mr. DEAN. I think when they learned that I had gone to the prosecutors, I got even a more sharp change than I had noticed after my meeting on the 21st.

Mr. ST. CLAIR. No, I mean a change in this plan with respect to appearance before the committee?

Mr. DEAN. Did I personally notice a change?

Mr. ST. CLAIR. Yes.

Mr. DEAN. Only what I was reading in the paper.

Mr. ST. CLAIR. I see.

Now, sir, about your resignation. This was a matter of some discussion between you and the President, was it not?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And to shorten this up a little bit, you took substantially the view that if you were to resign, so should Mr. Ehrlichman and Mr. Haldeman?

Mr. DEAN. I thought they had equally serious problems, that is correct.

Mr. ST. CLAIR. And during the course of these discussions, you were also meeting with representatives of the U.S. attorney's office, as Mr. Doar has asked you about?

Mr. DEAN. That Mr. Doar has asked me about?

Mr. ST. CLAIR. Didn't he ask you about meeting with the U.S. attorney?

Mr. DEAN. Oh, I understand your reference.

Yes, that is correct.

Mr. ST. CLAIR. All right. And during the course of those discussions, you or your counsel on your behalf were seeking immunity, were you not?

Mr. DEAN. My counsel—I should give the background on that.

When I first went to see Mr. Shaffer and engaged him, I said, Charlie, there are certain things that I think I have got to go down and tell the prosecutors.

He said, well, let's hear what you have got to say.

I spent about 5 hours telling him, you know, what I had done and principally dealing with my own involvement and actions.

And he said, well, John, if you want me as your lawyer, there is only one condition you can retain me and that is if you take my counsel.

I said, well, I know the old saying that he who has himself as a lawyer for a counsel is a fool, so I agreed that I ought to have somebody who is more objective than I.

He also told me, John, you don't have to run into machineguns to get your story out and you have got to listen to me. I am going down to talk to the prosecutors and see what we can do.

And I said, well, Charlie, I am taking your counsel. So indeed, my lawyer did go down and have discussions about, first of all, the scope of my testimony. He wanted to be able to hear what I had to say and then let them make their own judgment as to what they wanted to do with me.

Mr. ST. CLAIR. Did you authorize your attorney in the course of those discussions to suggest to the U.S. attorney that if you did not get immunity, you might involve the administration on matters other than Watergate?

Mr. DEAN. I had not talked to my attorney about it, I don't think, at that time matters other than Watergate. To the best of my recollection, it was not until sometime in the end of April that I even discussed with my counsel my conversations and dealings with the President.

Mr. ST. CLAIR. Did your counsel report to you that he had made such a suggestion on one or more occasions to the U.S. attorney or his representatives during the course of his negotiations on your behalf?

Mr. DEAN. I think my counsel would be the best witness on that.

Mr. ST. CLAIR. I am just asking you whether or not he reported to you.

Mr. DEAN. I frankly don't recall.

Mr. ST. CLAIR. Well, it is your testimony you did not authorize it?

Mr. DEAN. I—my attorney had a free hand to negotiate with the prosecutors in any manner he saw fit.

Mr. ST. CLAIR. Including that manner?

Mr. DEAN. I didn't ask him how—he was my attorney. I was not giving him directions and guidance. He knows far more about this business than I do.

Mr. ST. CLAIR. Thank you.

Ultimately, you did not receive immunity, is that right?

Mr. DEAN. From the prosecutors?

Mr. ST. CLAIR. Yes.

Mr. DEAN. The original prosecutors were replaced by the Special Prosecutors and, by that time, I had made my decision to plead.

Mr. ST. CLAIR. Well, you did not receive immunity from the United States, did you?

Mr. DEAN. No, I did not.

Mr. SHAFFER. Just a point on the record. My client did receive immunity from the United States in the form of limited use immunity from the legislative branch of our Government.

Mr. ST. CLAIR. That is my understanding. My question should have been more precise, from the U.S. attorney.

Mr. DEAN. There has been some debate as to whether we had technical immunity as a result of our earlier dealings, as to whether they could ever prosecute me based on our earlier conversations. But that is another matter. We never got it.

Mr. ST. CLAIR. You never received immunity for which you were negotiating?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Thank you.

Mr. DEAN. That my counsel was negotiating for.

Mr. ST. CLAIR. Now, during the period that your counsel was negotiating for you, you were retained on the White House payroll, were you not?

Mr. DEAN. You mean when I first went to talk to the prosecutors?

Mr. ST. CLAIR. Yes.

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And you were retained on the White House payroll until the end of April of 1973?

Mr. DEAN. I think it went beyond that.

Mr. ST. CLAIR. In any event, your resignation was accepted at the same time as Mr. Haldeman's and Mr. Ehrlichman's?

Mr. DEAN. It was requested and accepted, yes.

Mr. ST. CLAIR. Thank you.

May I have just a second, Mr. Chairman?

With respect to plans to testify before the grand jury, before you testified, did you meet with Mr. Mitchell and/or Mr. Magruder?

Mr. DEAN. With regard to my testimony before I was to testify before the grand jury?

Mr. ST. CLAIR. Yes.

Mr. DEAN. Can you be more specific, please?

Mr. ST. CLAIR. Well, you told us that you received a call from Mr. Ehrlichman requesting that you go before the grand jury.

Mr. DEAN. I met with Mr. Magruder and Mr. Mitchell on the afternoon I came down from Camp David. I went into Mr. Haldeman's office and he said that he wanted me to go in and resolve the testimonial differences between my recollection that had been consistent of the meetings that occurred in the Attorney General's office in January and February with that that Mr. Magruder and Mr. Mitchell had apparently testified to. They were sitting in what was, what had been Mr. Chapin's office. I told Mr. Haldeman I didn't want to go down, they knew perfectly well what my story was. He was very insistent that I go down. I went down and I sat there and refused to really get into any substance with him.

Mr. ST. CLAIR. My question is, sir, following the request that you received from Mr. Ehrlichman, did you see Mr. Mitchell and Mr. Magruder before you testified before the grand jury?

Mr. DEAN. Well, I didn't testify before the grand jury.

Mr. ST. CLAIR. Ever?

All right, did you—

Mr. DEAN. I mean not until—

Mr. ST. CLAIR. Were you interviewed by the U.S. attorney?

Mr. DEAN. I was in continuous negotiations and discussions. My counsel was in negotiations and I was in discussions with the U.S. attorney from roughly the 2d of April on.

Mr. ST. CLAIR. Let me get at it this way: Did you ever tell Mr. Magruder that you were not going to support his testimony that he had given to the grand jury before you testified before the grand jury?

Mr. DEAN. I recall a recording I made of a conversation with Mr. Magruder in which he was urging me to go along with his story and

I would not give him the commitment to do that. With that, he flew off to Bermuda to retain counsel.

As far as Mr. Mitchell, the record of my meeting with Mr. Mitchell I have submitted to the Senate. I remember I was requested by the Government to be wired and I said I refused to do that. I said I will make a memorandum of the meeting as soon as it is over, which I did.

Mr. ST. CLAIR. Can you fix the time that you met with Mr. Magruder for this purpose?

Mr. DEAN. I had a telephone conversation with Mr. Magruder.

Mr. ST. CLAIR. Well, can you fix the time?

Mr. DEAN. I think the Special Prosecutor's office has that tape and I just don't know.

Mr. ST. CLAIR. What's your best memory?

Mr. DEAN. I would say in the first week of April.

Mr. ST. CLAIR. Thank you.

And when did you meet with Mr. Mitchell?

Mr. DEAN. April 10.

Mr. ST. CLAIR. All right.

Did you—you testified before the grand jury at some time?

Mr. DEAN. Yes, I did.

Mr. ST. CLAIR. When?

Mr. DEAN. That was long after I had pleaded and—well, let's go back. I did make an appearance before the grand jury before I appeared before the Senate, in which I invoked my privilege. Then it was many, many, many months later. I believe it was February of 1974 that I first appeared before the grand jury.

Mr. ST. CLAIR. Was it after you told Mr. Magruder that you would not support his earlier testimony that he appeared before a grand jury and changed his testimony?

Mr. DEAN. Well, I told my counsel that they ought to tell Mr. Magruder's counsel that you could not—I don't recall a meeting with Mr. Magruder. That is the point I guess you are getting at, and I just don't recall a meeting with Mr. Magruder.

Mr. ST. CLAIR. Or a conversation with him?

Mr. DEAN. Yes; I had conversations where he was asking me to change my story and I was unwilling to. I finally told my—you know, after he decided to get a lawyer, I had Mr. Shaffer stop by and see his counsel and say, listen, John is going to testify the way it is.

Mr. ST. CLAIR. Do you recall the President advising you that way?

Mr. DEAN. To tell me to testify truthfully?

Mr. ST. CLAIR. Yes.

Mr. DEAN. Yes, I do.

Mr. ST. CLAIR. Do you have any knowledge that he also gave such advice to Mr. Magruder?

Mr. DEAN. No, I do not. He might have mentioned it to me. I don't know. He told me he had told everybody.

Mr. ST. CLAIR. But he advised you specifically to tell the truth, didn't he?

Mr. DEAN. Yes, he did. Excluding—he did not want me to talk about Presidential conversations.

Mr. ST. CLAIR. About national security matters, isn't that right?

Mr. DEAN. He said executive privilege, attorney-client privilege, and national security matters.

Mr. ST. CLAIR. Do you recall the President made a public announcement that all White House people were free to testify before a grand jury, free of executive privilege?

Mr. DEAN. At what date, please?

Mr. ST. CLAIR. Well, do you recall that?

Mr. DEAN. Well, I am trying to get the time frame we are talking about.

Mr. ST. CLAIR. Well, you were there and I was not. Maybe you could tell us when it was.

Mr. DEAN. Well, there were a lot of statements made publicly that didn't fit with what was happening internally.

Mr. ST. CLAIR. Do you recall the President making a public announcement that White House personnel were free to testify before grand juries, free of any executive privilege?

Mr. DEAN. I frankly don't, no.

Mr. ST. CLAIR. You don't?

Mr. DEAN. It is possible but I just don't have a clear recollection of it. I just didn't read all the press releases.

Mr. HUNGATE. Mr. Chairman, the witness has requested what date this was done. I think that is probably a fair request. I am looking at a date myself that is interesting on that same point.

Mr. EDWARDS. The Chair believes the question is fair.

Proceed, Mr. St. Clair.

Mr. SHAFFER. Mr. Chairman, may I have a minute with my client if that is appropriate?

Mr. EDWARDS. Yes.

Mr. SHAFFER. Thank you.

Mr. DEAN. Mr. Chairman, to answer the question, and this is what I had in mind, but I can't get the date on it, before I was originally going to go down and testify before the grand jury, the original grand jury, with the original prosecutors, and we had scheduled a special Saturday session for me to appear, my counsel received a notice of release from the White House as to how all counsel were supposed to handle the question of executive privilege. There were very tight guidelines that were laid out. Now, I don't recall seeing that document. They had a copy of it down at the U.S. attorney's office and he looked at it there. That is why I am asking. There were many, many statements on executive privilege and I am not sure which one you are referring to.

Mr. ST. CLAIR. Well, just one point that I think I have overlooked on this subject matter. I apologize for the digression.

Do you recall that Mr. Haldeman called Mr. Mitchell on about noon on March 21?

Mr. DEAN. I am sorry, would you start over? I was looking at—we found a statement here, but we are beyond that now.

Mr. ST. CLAIR. Well, if you found a statement, perhaps you could advise the committee of the date.

Mr. DEAN. Well, it says that at a news conference on March 15, 1973, the President said Mr. Dean is counsel to the White House. He is also one who is counsel to a number of people on the White House staff; he has, in effect, what I would call double privilege—the lawyer counsel

relationship as well as Presidential privilege. In terms of privilege, I think we could put it in another way. I consider it my constitutional principle to defend the separation of powers. I recognize that Members of Congress disagree with my interpretation of that responsibility.

That was one. But as I say, there were so many statements on executive privilege, I am just not sure which one you are referring to.

Mr. ST. CLAIR. This is one that you have read here that was before March 21?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. I asked you about any knowledge you had of a statement the President made freeing White House personnel of any executive privilege.

Mr. DEAN. Well, there might have been something in his statement on April 17, but there may have been a half dozen statements in between there. I just can't tell you without reviewing all of the White House press releases and I just don't know.

Mr. ST. CLAIR. I see. All right. Then may I make this digression that I started out on?

Mr. SHAFFER. May I have just a second?

Mr. EDWARDS. Mr. St. Clair.

Mr. ST. CLAIR. Thank you.

Getting back to March 21, 1973, do you recall Mr. Haldeman calling Mr. Mitchell shortly after noon on that date following your meeting with the President?

Mr. DEAN. I recall that he was going to call him.

Mr. ST. CLAIR. And the purpose of the call?

Mr. DEAN. Was to get Mr. Mitchell to come down to a meeting the next morning, or that afternoon, if possible.

Mr. ST. CLAIR. Thank you very much.

Now, sir, I would like to go way back to the break-in at the DNC, if I may. You were actually in Hawaii, as I understand it?

Mr. DEAN. No sir, I was in Manila.

Mr. ST. CLAIR. In Manila. When you returned to the United States, I think you have testified that you became involved in the coverup almost from the very beginning, or words to that effect?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. I think at one point, you said it just sort of happened, it grew like Topsy, or words to that effect?

Mr. DEAN. It made me wish I had stayed in Manila.

Mr. ST. CLAIR. I am sure in retrospect, that is so. But is it true that you testified that this was not any set policy of any kind, it just sort of grew, and you just sort of fell into it, or words to that effect?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. All right. And that state of affairs commenced almost immediately upon your return to the United States?

Mr. DEAN. Correct.

Mr. ST. CLAIR. Now, early in your investigation—excuse me. I don't mean to use that word at this moment.

You made an inquiry from Mr. Liddy early upon your return, did you not?

Mr. DEAN. Yes, I did.

Mr. ST. CLAIR. And you learned, did you not, from that inquiry that one in the White House was involved in the break-in?

Mr. DEAN. That is what Mr. Liddy had told me, yes.

Mr. ST. CLAIR. Yes. And you were convinced of that even as late as March 21, 1973, weren't you?

Mr. DEAN. Yes, I was.

Mr. ST. CLAIR. All right. Well, now, if no one in the White House was involved in the break-in, who was it that you were covering up for?

Mr. DEAN. I think that is very clear from the early conversations I had with Mr. Ehrlichman.

Mr. ST. CLAIR. A name will do?

Mr. DEAN. Pardon.

Mr. ST. CLAIR. Just give me the name.

Mr. DEAN. Who was I worried—we were worried about what Mr. Hunt and Mr. Liddy had done at the White House.

Mr. ST. CLAIR. Who were you covering up for?

Mr. DEAN. I would say—well, initially, before I got all the facts sorted out, I didn't think, (1) that Mr. Liddy might necessarily know everything; (2) I had known of things that had gone on there that had gone to people that were fairly high in the administration; and I would say that the coverup was designed to not only protect the campaign people, but it was designed to protect Mr. Ehrlichman and anybody else that had been involved in any of the Hunt and Liddy activities.

When I first went to Mr. Kleindienst, I didn't know how far it went and told him it might go as far as the President.

Mr. ST. CLAIR. But as far as Watergate was concerned, your state of mind was that no one in the White House was involved in the break-in, isn't that right?

Mr. DEAN. That is right, but you—

Mr. ST. CLAIR. But you could not have been covering up for anyone in the White House, could you?

Mr. SHAFFER. Could I have an objection?

I think my client was in the middle of an answer.

Mr. ST. CLAIR. I am sorry.

Mr. DEAN. I don't think you can separate because of the individuals involved in the break-in and the fact that they had come from the White House and that they had done things at the White House, that you can separate the coverup into here was a Watergate break-in that was authorized by people unknown to the White House, and the fact that they had done other illegal activities when they had been at the White House that were equally as embarrassing and equally as damaging as the break-in at the DNC.

So two people and the Cubans that they had hired to work for them caused a problem that ran both ways. And this was the sort of pressure and cross-pressure I continually got. Mitchell would say, well, they ought to be just as interested. And Haldeman would say, well, Mitchell ought to be just as interested, because of the fact that these people, their activities had run such a wide gamut.

That is a long answer to the question that that is what we were covering up.

Mr. ST. CLAIR. It is all right. I am used to the long answers.

Now, sir, you never saw the President at all until September 15, 1972, from the time of the break-in, is that right?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. So it is very clear the President never gave you any instructions to cover up anything, isn't that right?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. In fact, I gather from your testimony this thing just sort of grew. No one gave you any instructions, you just went along with it?

Mr. DEAN. Well, that isn't quite true.

Mr. ST. CLAIR. Well, that is what you told me just a minute ago.

Mr. DEAN. Well, let me clarify it, then.

Mr. ST. CLAIR. Well, my question is this—you committed——

Mr. DONOHUE. Mr. Chairman.

Mr. ST. CLAIR. I am sorry. I keep thinking I am in a courtroom. I am sorry.

Mr. DONOHUE. I submit, Mr. Chairman, that the witness should be permitted to complete his answer without interruption from Mr. St. Clair.

Mr. EDWARDS. Mr. Dean, will you complete your answer, please?

Mr. DEAN. All right. It is not quite correct that I felt that I just had to dive in.

For example, when I was asked by Mr. Haldeman and Mr. Ehrlichman in Mr. Haldeman's office regarding whether Mr. Mitchell and Mr. Magruder should remain at the Re-Election Committee what my feeling was, I said that I thought that Mr. Magruder definitely had serious problems. I was not sure that the story he was portraying would hold up and that he might well be indicted. I said I thought it would be presumptuous of me to say anything about Mitchell. I said I don't know, I have never talked to him about it, which I hadn't, and I said all I can tell you is that it is consuming a great deal of his time.

Then when Mr. Mitchell, on the 30th, left the Re-Election Committee and Mr. Magruder remained, I was quite convinced in my own mind, rightly or wrongly, that the President had obviously had to reflect on this. That was clear to me also because there was an increased interest by Mr. Haldeman and Mr. Ehrlichman in Mr. Magruder's well-being.

You know, how he was doing, what was his attitude, was he concerned, how was his testimony.

So I can't say that I had no indication that there was not concern and instructions on the coverup. It was not quite willy-nilly, as you have tried to portray it.

Mr. ST. CLAIR. I am only quoting your own language.

But you readily joined what you now identify as a criminal conspiracy almost from the beginning, didn't you?

Mr. DEAN. Yes, I did.

Mr. ST. CLAIR. And during the course of that, you, among other things, suborned perjury of Mr. Magruder.

Mr. DEAN. I don't think that is correct, to use the term "suborned". I did assist him in preparing a false statement.

Mr. ST. CLAIR. And pled guilty to that?

Mr. DEAN. I was—no, I did not to subornation. I pleaded to obstruction of justice, of which that was an overt act.



Mr. ST. CLAIR. Thank you. Incidentally, you didn't disclose that to the President on the 21st, did you?

Mr. DEAN. I certainly made reference to it.

Mr. ST. CLAIR. Did you disclose to the President on March 21 that you had assisted Magruder in preparing false testimony?

Mr. DEAN. I told him that they had been by and run their story by me. And I told him that, perhaps, I believe I prefaced that with the fact that he had perjured himself.

Mr. ST. CLAIR. I am sorry, I didn't hear that.

Mr. DEAN. I said I believe I prefaced that with the fact that I believed he had perjured himself and he had come by and run his story by me.

Mr. ST. CLAIR. I see.

Well, on September 15, 1972, you did meet with the President?

Mr. DEAN. Yes, I did.

Mr. ST. CLAIR. And you say that during the course of that conversation, among other things, you discussed a list being prepared for submission to the IRS?

Mr. DEAN. I am not sure we got into the so-called list of 500 at that time. It may well have come up. I recall general discussions by IRS and the fact that the President—telling the President that I had been less than successful in dealing with IRS and the President became quite annoyed at it. And then that he got very explicit about his thinking about IRS being responsive to the White House.

Mr. ST. CLAIR. Well, the fact of the matter is it was prior to September 15 that you had already been over to the IRS?

Mr. DEAN. No; Mr. Walters was at my office and that was at Mr. Ehrlichman's request.

Mr. ST. CLAIR. All right, you had talked with Mr. Walters in your office, prior to September 15?

Mr. DEAN. Yes, I had, and I talked to him subsequent to that also.

Mr. ST. CLAIR. And you gave him a list of names prior to September 15?

Mr. DEAN. Unsuccessfully, yes.

Mr. ST. CLAIR. Well, you had no difficulty in delivering the list?

Mr. DEAN. No.

Mr. ST. CLAIR. And you told him in substance and this may or may not be accurate, but did you tell him in substance that this was not at the President's request?

Mr. DEAN. I did that.

Mr. ST. CLAIR. And that was before September the 15th, 1972?

Mr. DEAN. That's right.

Mr. ST. CLAIR. And it is a fact, is it not, that that effort was unsuccessful?

Mr. DEAN. Yes, it was.

Mr. ST. CLAIR. You know of no person on that list whose tax returns had been audited as the result of that submission?

Mr. DEAN. No; I know I went back and tried again to limit the list and this time, after I had my conversation with the President on the 15th and the resistance was still there. And I felt that I had done what was expected of me in carrying the request over and was—

Mr. ST. CLAIR. You were informed in fact, that if you wanted anything done like that you would have to submit an anonymous letter like anybody else in the world could do, isn't that right?

Mr. DEAN. I don't remember exactly how Walters described it to me.

Mr. ST. CLAIR. Isn't that the substance of it?

Mr. DEAN. What was envisioned was a little more massive than a few anonymous letters would have handled.

Mr. ST. CLAIR. And you were relegated by the role if you wanted anything done it would have to be done by anonymous letters?

Mr. DEAN. I do not recall that, no.

Mr. EDWARDS. (presiding). The committee will recess for 10 minutes for a vote.

[Short recess.]

Mr. EDWARDS. The committee will come to order.

Mr. ST. CLAIR.

Mr. ST. CLAIR. I have just a few more questions, Mr. Chairman. May I proceed, Mr. Chairman?

Mr. EDWARDS. Mr. St. Clair, you may proceed.

Mr. ST. CLAIR. Thank you.

Mr. DEAN, did you at any time during the course of the affairs that followed the break-in of the Democratic National Committee in any form of words authorize Mr. Caulfield to offer clemency to any of the people who broke in?

Mr. DEAN. Yes, I did.

Mr. ST. CLAIR. Approximately when?

[Short pause.]

Mr. DEAN. It was in January of 1973.

Mr. ST. CLAIR. On whose authority, if anyone, did you do that?

Mr. DEAN. The offer was based on a conversation I had with Mr. Ehrlichman following a meeting between Mr. Ehrlichman and Mr. Colson and myself after Mr. Hunt had wanted assurances on clemency when I raised with Mr. Ehrlichman the fact that I was sure that if Mr. Hunt got it, others were going to get word of it and learn of it. I had told Mr. Mitchell about the fact of Mr. Hunt's being given assurances of clemency. It was some time in January, and I can't tell you the specific date.

I might have it here in my testimony but I haven't checked that closely that Mr. Mitchell said that he thought that the same assurances should go to Mr. McCord who under the vernacular of the times was off the reservation.

Mr. ST. CLAIR. Who told you that Mr. Hunt had been offered clemency?

Mr. DEAN. Mr. Colson.

Mr. ST. CLAIR. When?

Mr. DEAN. In January of 1973.

Mr. ST. CLAIR. In whose presence?

Mr. DEAN. Well, it was both—it was on two occasions he told me. One was after he had talked to Mr. Bittman and given assurances, and secondly was when we were talking from the office, subsequent to that meeting he told me that he had felt this matter so important that he had to take it up with the President.

Mr. ST. CLAIR. And all of this in January of 1973?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Thank you. Was anyone else present when you and he were walking and he told you this or just the two of you?

Mr. DEAN. Pardon?

Mr. ST. CLAIR. Was anyone else other than you and Mr. Colson present during this walk when he told you he was going to have to take it up with the President?

Mr. DEAN. No, he told me he had taken it up.

Mr. ST. CLAIR. Had taken it up with the President?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. No one else was present?

Mr. DEAN. That is correct. We were walking between the west wing of the White House and the Executive Office Building.

Mr. ST. CLAIR. Now, directing your attention to the safe in which Mr. Hunt kept some materials, when was it that you had anything to do for the first time with that safe or its contents?

Mr. DEAN. Well, the first time I had anything to do with the safe is when it came up in a meeting on the 19th, the afternoon of the 19th in Mr. Ehrlichman's office when I was instructed to take possession of the contents.

Mr. ST. CLAIR. So that the committee will be clear, that is June the 19th?

Mr. DEAN. June 19.

Mr. ST. CLAIR. 1972?

Mr. DEAN. Correct.

Mr. ST. CLAIR. Now, at some time portions of the contents were delivered to agents of the FBI?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And approximately the date?

Mr. DEAN. It was in late June.

Mr. ST. CLAIR. Of that same year?

Mr. DEAN. Yes. I am sure that the FBI would have a record of the dates they received those materials.

Mr. ST. CLAIR. And was it on the same day that you gave another portion to Mr. Gray?

Mr. DEAN. No, it was not.

Mr. ST. CLAIR. When did you give him some of the contents?

Mr. DEAN. That was a day or so after the materials had been delivered to the FBI.

Mr. ST. CLAIR. So by the end of June you had made a delivery of documents both to the FBI and to Mr. Gray?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. All right. Now——

Mr. DEAN. That's my best recollection.

Mr. ST. CLAIR. That's your best recollection, yes. When did you discover documents that had been in that safe had not been delivered to the FBI or Mr. Gray?

Mr. DEAN. In January of 1973.

Mr. ST. CLAIR. In January of 1973?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. And on that occasion, it is your testimony, I understand it, that you shredded two notebooks?

Mr. DEAN. I shredded two notebooks and I threw one popup notebook—

Mr. ST. CLAIR. That's an address book?

Mr. DEAN. Address book.

Mr. ST. CLAIR. Or telephone numbers?

Mr. DEAN. Telephone number book with a sliding dial into the wastebasket.

Mr. ST. CLAIR. That was in January 1973?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. When did you first disclose that, those events to anyone?

Mr. DEAN. I first disclosed them to the Special Prosecutor's office in October, late October or November of 1973.

Mr. ST. CLAIR. You testified in July of 1973 did you not before the Senate Select Committee?

Mr. DEAN. Yes, I did.

Mr. ST. CLAIR. You did not testify anything about shredding these notebooks during the course of that testimony, did you?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. Is this because you forgot it?

Mr. DEAN. It was not in my conscience at the time, that is correct.

Mr. ST. CLAIR. You want us to understand you forgot the fact that you had shredded two notebooks from Mr. Hunt's safe?

Mr. DEAN. I happen to have forgotten a lot of things.

Mr. ST. CLAIR. We might agree on that, but, is it your testimony that you forgot that you had shredded two notebooks from Mr. Hunt's safe?

Mr. DEAN. That is correct.

Mr. ST. CLAIR. You knew that it would be an incredible action to destroy potential evidence, didn't you?

Mr. DEAN. I wish I had remembered it because if I had I would have put it in the statement. It wasn't nearly as embarrassing as some of the things I was revealing I had done that I put in my statement.

Mr. ST. CLAIR. Well, you described Mr. Erlichman's conduct that you alleged took place; namely, to deep-six some documents, as an incredible action to destroy evidence, didn't you?

Mr. DEAN. I characterized that as my reaction at the time.

Mr. ST. CLAIR. And you want us to understand that you simply forgot about that when you testified before the Senate Select Committee in July of 1973?

Mr. SHAFFER. Mr. Chairman, I object. We are repeating the fact that my client did admit twice in this record.

The CHAIRMAN. Objection is sustained.

Mr. ST. CLAIR. Then I have no further questions.

The CHAIRMAN. Mr. Donohue.

Mr. DONOHUE. Mr. Chairman, I will yield my time to the gentleman from Texas, Mr. Brooks.

Mr. BROOKS. Mr. Dean, do you know if the special projects funds were used to finance the purchase of or to improve any of the Presidential properties located at San Clemente, Key Biscayne, or elsewhere?

Mr. DEAN. Congressman, when you refer to the special projects fund, is that the one at the White House under the budget arrangements at the White House?

Mr. BROOKS. Normally 1½ million and was expanded to 2½ million in the year 1970, being the only year they expended all, and I would like to put that expenditure from 1963-73 in the record. That's the fund, yes, sir.

Mr. DEAN. I do not know. That was not handled by my office. From time to time we did get questions about the use of the special projects funds. It could well be that there is something in my files. Mr. St. Clair might be able to speak to that more than I can because I haven't had a chance to go through those files. And if there is anything in there, it would be reflected in documents or opinions we gave and the like. So, I don't have any independent recollection at this time on that.

Mr. BROOKS. Mr. Dean, did you obtain authorization for any improvements on Presidential property while serving on the White House staff?

Mr. DEAN. Did I receive the authorizations? I was aware through my office of some authorizations that apparently had been passed directly to the Secret Service. The heating system, things of this nature, when they became public, my office was somewhat involved in trying to answer publicly as to why the expenditures had been made.

Mr. BROOKS. Now, as counsel to the President were you to any extent involved in the sale of the President's San Clemente property to the B and C Investment Co?

Mr. DEAN. Yes; I was.

Mr. BROOKS. To what extent?

Mr. DEAN. The basic documents concerning that sale—excuse me just a moment.

I am concerned that I don't know—maybe Mr. St. Clair can answer this—if my privilege has been waived regarding this type of activity at the White House. I don't know.

Mr. SHAFFER. With all due respect to Mr. St. Clair, I am going to ask the chairman to rule that these questions are within the attorney-client privilege because I am aware of what the waiver was by the White House at the time my client testified before the Senate and it related only to the Senate testimony, and this is obviously something that does not relate to public affairs.

It relates to the sale of some property that was owned by the President to some other private organizations. And if my client was consulted, he was consulted in a private capacity, and as his attorney I assert the privilege.

Mr. BROOKS. Mr. Chairman, I withdraw the question.

Mr. Dean, what was the nature of the estate planning that you engaged in for the President?

Mr. SHAFFER. Same position.

Mr. BROOKS. Mr. Shaffer, what are you for? Pardon me.

The CHAIRMAN. Does the gentleman withdraw the question?

Mr. BROOKS. Yes. On September 15, 1972, a tape of a meeting of Nixon, Haldeman, and Dean included discussion of the Washington Post news coverage and the President stated "the main thing is the (Washington Post) is going to have damnable, damnable problems out of this one. They have a television station, they are going to have to get it renewed, and that known license filing on radio and television stations are going to be god damn active in the case of the Washington Post."

Now, do you know of any action by the President or anyone else to implement this apparent threat against the Washington Post?

Mr. DEAN. The only thing I know, Mr. Brooks, is that there was some talk about the subject, about it subsequently and I believe I had those conversations with Mr. Colson. And I don't know what the final followup was. It was not something that was designated to me.

The CHAIRMAN. Might I inquire of the gentleman from Texas if the questions he is asking comes within the scope of the testimony? Is he relating to the paragraph 1, the nature of the—

Mr. BROOKS. I am not—

The CHAIRMAN (continuing). Of Mr. Dean's duties as counsel to the President?

Mr. BROOKS. This would be part of his duties as counsel. He might have observed some activity. Apparently he did not observe very much and I just asked him.

It's a legitimate question.

Mr. Dean, do you have any information regarding plans to use the San Clemente property or a portion thereof as a Presidential Library? Did you hear anything about that?

Mr. DEAN. Yes, I did.

Mr. BROOKS. What?

Mr. DEAN. Well, there was a plan that the land adjacent to the San Clemente property would form the bulk of the property for the future Nixon library. This was the Pendleton Land that was specifically carved out when the grant was made back to the State of California on a 99-year lease, that a certain portion of that land was cut out. Now, the reason it was given was that this was for security reasons, that the hilltop that overlooked the San Clemente estate could theoretically if some man went up there with a rifle, look down upon the property and start firing. This was a thought after the fact as to a way to make sure California didn't have the land.

There was an extensive effort, and this was going on just about the time I left, to draw up appropriate legislation. Contact had been made with the members of the House Armed Services Committee and the Senate committee to take them out and show them the property and then to bring legislation up here that would in turn grant that land to the President for a library.

Mr. BROOKS. That's the northern portion of the Camp Pendleton Marine Base on the west coast?

Mr. DEAN. That's correct.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BROOKS. Could I utilize the remainder of my time at this time by unanimous consent and conclude?

The CHAIRMAN. Without objection, the gentleman from Texas would like to proceed with his 5 minutes.

Mr. BROOKS. Mr. Dean, to your knowledge was any money paid to Watergate defendants after March 21, 1972?

Mr. DEAN. The last payment I am aware of is on the morning of the 22d.

Mr. BROOKS. 1973 I mean.

Mr. DEAN. The morning of the 22d when I was told the payment

to Mr. Hunt apparently had been accomplished. That's the last knowledge I have of any payments.

Mr. BROOKS. Now, were you aware, on another subject, were you aware of the purported \$400,000 that was funneled into the campaign of George Wallace's opponent, and if so, did you have any indication as to who had recommended that payment, who delivered it?

Mr. DEAN. Yes; yes, I was aware of it.

Mr. BROOKS. What is the fact situation there?

Mr. DEAN. Well, this is something that when I was going through Mr. Kalmbach's potential problems, as to how he would account for \$1,800,000 I believe is the figure he had, that some \$400,000 had been delivered. Now, the details of the delivery he never explained to me. He told me that the plan had been designed by the former Postmaster General, the last one to hold that as a Cabinet officer. And that was—it was his suggestion, and apparently had the blessings of the White House, and I don't know who in the White House, so I use that term generically. And Mr. Kalmbach had been directed to carry it out.

Now, I have read press accounts since then that are public as to Mr. Kalmbach going down and the like. But, that's—I have no first-hand knowledge of that.

Mr. BROOKS. Back on another related subject, Mr. LaRue, in testifying before this committee, has said that while he received approximately \$190,000 from Mr. Strachan, he only distributed \$75,000 on March 21, to which you just referred. Do you have any knowledge of what became of the balance? Maybe he testified on it. I don't recall that. Do you recall what happened?

Mr. DEAN. First of all, I was unaware of the dollar amount that had been delivered on the message I received on the 22d. It was much later I heard in the public press that it was \$75,000.

I have no idea what happened to the remainder of that money other than I think someone told me, and I can't tell you who it was, that he had turned it over to his attorney or they had returned it to the Re-Election Committee.

Mr. BROOKS. Had you been aware of previous payments to the defendants prior to that March 21 payment?

Mr. DEAN. Yes; I had.

Mr. BROOKS. In what fashion?

Mr. DEAN. Well, when there was a demand made, and I was aware first of all—it's different times, preelection, pre-September, Mr. Kalmbach was doing it and when he completed it he came in my office and met with Mr. LaRue and made a final accounting. And he took his accounting slip and burned it in my ashtray. That was sort of the final act as far as he was concerned.

And then with regard to the use of the \$350,000, of course, I was aware of the demands being made, that I would carry them to Haldeman and tell Haldeman what the problem was. As I say, I think the first request for the \$350,000 was somewhere between \$40,000 and \$70,000. I don't know the exact dollar amounts. And then the subsequent sending of the entire amount back and then finally the Hunt demand for \$122,000 of which, subsequently \$75,000 was paid.

Mr. BROOKS. Were you familiar with the alias, Mr. Rivers?

Mr. DEAN. I believe that's Mr. Ulasewicz. I had never—I had met

him once. I only knew him by the name of Tony until just before the Watergate hearings started and he started getting some press. I didn't know the last name, Ulasewicz, before that time. It was just Tony to me.

Mr. BROOKS. He was known as Mr. Rivers? I was thinking of Mr. LaRue, the transactions?

Mr. DEAN. That's right. It was, it was—I understand that Mr. River's was Tony Ulasewicz. I may be wrong. Mr. Kalmbach had a number of codes that he would refer to, refer to Mr. Haldeman as the "brush" and Mr. Mitchell as the "pipe" and Mr. Hunt as the "writer" and I never really got—

Mr. BROOKS. How did he refer to you?

Mr. DEAN. He was talking to me so I don't know how he referred to me.

Mr. BROOKS. I want to thank you. No further questions, Mr. Chairman.

[Material submitted for the record by Congressman Brooks entitled "White House Office Special Projects (Past 11 Years)" follows:]

#### C. ANALYSIS OF LAST 11 YEARS' EXPENDITURES

##### WHITE HOUSE OFFICE SPECIAL PROJECTS (PAST 11 YEARS) SUPPLIED BY THE WHITE HOUSE

Fiscal years	Budget	Personnel compensation and benefits	Total other objects	Total obligations	Unobligated balance lapsing
1973 (July 1, 1972 to June 30, 1973).....	\$1,500,000			\$414,000	\$1,086,000
1972 (July 1, 1971 to June 30, 1972).....	1,500,000	\$781,986	\$693,014	1,475,000	25,000
1971 (July 1, 1970 to June 30, 1971).....	1,500,000	505,000	318,000	823,000	677,000
1970 (July 1, 1969 to June 30, 1970).....	2,500,000	2,071,000	429,000	2,500,000	
1969 (July 1, 1968 to June 30, 1969).....	1,500,000	1,097,000	266,000	1,363,000	137,000
1968 (July 1, 1967 to June 30, 1968).....	1,500,000	653,612	187,591	841,203	658,797
1967 (July 1, 1966 to June 30, 1967).....	1,500,000	631,027	90,872	721,899	778,101
1966 (July 1, 1965 to June 30, 1966).....	1,500,000	624,203	200,150	824,353	675,647
1965 (July 1, 1964 to June 30, 1965).....	1,500,000	766,612	198,897	965,509	534,491
1964 (July 1, 1963 to June 30, 1964).....	1,500,000	860,000	365,000	1,225,000	275,000
1963 (July 1, 1962 to June 30, 1963).....	1,500,000	719,000	373,000	1,092,000	408,000

The CHAIRMAN. Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Dean, returning for a moment to the occasion when you shredded a couple of notebooks.

Mr. DEAN. Yes, sir.

Mr. HUTCHINSON. Did you examine those notebooks before you shredded them?

Mr. DEAN. Only briefly. I did nothing more than flip through them. They were very small and I saw that they contained names. I had been told by Mr. O'Brien prior to that time and, in fact, shortly after I came back from my meeting with Mr. Silbert and Mr. Glazer, I had asked him what is all of this about the Hermes notebooks, what are they, what do they relate to, and he told me they related to the Ellsberg break-in so that's all I knew about that. And so, I can't say that I did read them or did look at them. I remember the small notebook had names crossed out.

Almost every name had been crossed out of that when I flipped through it.

Mr. HUTCHINSON. You didn't read the notebooks in any way to retain any memory of their contents?



Mr. DEAN. No, sir. They were really address books, they were not notebooks. There was no narrative in them of any kind. They were just names. And they looked quite old, I might add, that they didn't look like anything of current vintage.

Mr. HUTCHINSON. Thank you, Mr. Chairman. I yield my time to Mr. McClory.

Mr. McCLORY. I thank the gentleman for yielding.

Following up on some questions addressed to you by the gentleman from Texas, Mr. Brooks, you said you knew about the earlier payments that were being made and before the election and subsequent to the election, and nevertheless during all of this time you didn't report, and when you began having your regular conversations with the President, you didn't report any of those payments to the President, did you?

Mr. DEAN. Not initially. I think——

Mr. McCLORY. On March 21 you did?

Mr. DEAN. On March 21 I made reference to some of them, but I didn't get into great detail. Now, if I could just backup for a minute on the detail with which I reported on the 21st, the night of the 20th——

Mr. McCLORY. I really have a limited amount of time. I just wanted to know whether you did report to him prior to that time?

Mr. DEAN. Prior to the 21st?

Mr. McCLORY. Yes.

Mr. DEAN. It's my strong impression that we did have some discussion of money. I can't tell you and I don't want to force——

Mr. McCLORY. You don't have a distinct recollection and you wouldn't be able to fix a date?

Mr. DEAN. No, sir.

Mr. McCLORY. You do fix the date of March 21, and then that was confirmed, was it not on April 16 when you had a conversation again with the President?

Mr. DEAN. I beg your pardon?

Mr. McCLORY. On April 16, you had a conversation, that is one of the transcripts.

Mr. DEAN. Yes, but what was confirmed? That is what I am not sure about.

Mr. McCLORY. That is the first time the President asked you, I think, isn't that the first time you told me about these payments, the White House involvement, was March 21?

Mr. DEAN. Well, the conversation on the 16th, Mr. McClory, was I wasn't going to argue with the President about a lot of things I was saying, because he was talking about his public position and I told him I didn't care what he said publicly. I corrected him on some things.

Mr. McCLORY. You had other things going through your mind at that time, but you didn't express them?

Mr. DEAN. That's right.

Mr. McCLORY. Now, drawing your attention to this subject of payments, you had a number of conversations with Paul O'Brien well, long before the 21st of March, didn't you?

Mr. DEAN. I had almost daily contact with Mr. O'Brien from the

day he arrived over there until the day he was called before the grand jury, and that was the last time I saw him.

Mr. McCLODY. And when he, or when money was needed, he would contact you?

Mr. DEAN. Well, initially it was Mr. Parkinson and then it was LaRue to Kalmbach and then it was LaRue, LaRue and O'Brien both to me and then sometimes it would be Mitchell to me and sometimes was Colson to me as a result of calls.

Mr. McCLODY. Now—

Mr. DEAN. And Mrs. Hunt calls or there are all sorts of commutations on who contacted who and I think I spelled that out in some detail in my Senate testimony.

The CHAIRMAN. The time of the gentleman from Michigan has expired. I recognize Mr. McCloidy.

Mr. McCLODY. Can I have unanimous consent to use my 5 minutes now, Mr. Chairman?

The CHAIRMAN. Without objection.

Mr. McCLODY. Thank you.

Now, as counsel for the President, you kept logs in the White House and other White House personnel did, did you not?

Mr. DEAN. I kept telephone—

Mr. McCLODY. Telephone logs?

Mr. DEAN. Records. My secretary did, yes.

Mr. McCLODY. So the telephone logs would tell about your—whether you placed telephone calls to Mr. O'Brien, would they not?

Mr. DEAN. In some instances, yes. In some instances, no. Mr. O'Brien's number was one that I had handy, it was not one that I had any problem calling. The logs that my secretary kept are not complete of all of my calls by any means. The other thing is that I would often pick up—

Mr. McCLODY. That is part of the White House property, the logs, you don't have those personally, do you?

Mr. DEAN. Yes, sir; I do.

Mr. McCLODY. You have them?

Mr. DEAN. Yes, I do.

Mr. McCLODY. Would you mind making available to the committee your logs of March 20, 21, and 22?

Mr. DEAN. I believe they are available to the committee.

Mr. McCLODY. And does our staff have those? I would like to have them made available to the committee members. Thank you.

You recall that Mr. McCord wrote to Judge Sirica on March 19, 1973. Did that ring a bell with you? When did you first learn about that and what was your reaction to that, if any?

Mr. DEAN. The first time I learned about it was the morning of the 23d. I was unaware of the fact that he had written the 19th until the 23d, and I had a call from Mr. O'Brien who told me somebody had called him from the courthouse and reported the substance of Mr. McCord's letter. Mr. O'Brien said he had been calling around and Mr. McCord had nothing but hearsay, there was no problem, he couldn't prove anything. I called Mr. Ehrlichman. Mr. Ehrlichman—I reported that to Mr. Ehrlichman and he said "I happen to have a copy of the letter." And I said, "well, how in the world did you get a copy of the letter?"

And he said: "Well, it just came floating in here."

Mr. McCLODY. And during the recess I did hand to you a copy of the comparison of the part of the March 22d tape in which there is a discrepancy or a difference between the Judiciary Committee version and the White House version. I listened to the tape myself, and just with respect to the expression "coverup plan," or "coverup line," I understood the language to be "in order to get off of the coverup."

Would you have an idea or an opinion as to whether or not the Judiciary Committee version or the White House transcript would be more accurate, according to your recollection?

Mr. DEAN. I can't recall from independent memory and I haven't listened to that tape of yours, so—

Mr. McCLODY. It is true that on that date you were abandoning a sort of a close adherence to executive privilege and you were loosening up or abandoning that kind of coverup insofar as the assertion of executive privilege and going into something more flexible which was at least letting things hang out partially, is that right?

Mr. DEAN. Well, not quite. No, sir. The discussion of executive privilege was executive privilege. The references to it as being a bad policy were the fact that it would make it appear to be a coverup. The discussion—I never heard with synonymous terms with coverup and coverup line or coverup plan being synonymous with executive privilege. I think that much of the conversation on executive privilege was, indeed, used as a device that would limit who was available and how they were available and when they were available.

Mr. McCLODY. Wasn't that the broad subject of the discussion with respect to the possible testifying of White House staff before the Senate Watergate Committee, and Pat Gray's hearings in the Senate?

Mr. DEAN. The discussion on the 22d was like countless other discussions we had had. It was very much like the morning discussion, it was just a batting around of, you know, is this good PR or not and that's really the way it ran.

Mr. McCLODY. You don't have any opinion about what those—which expression would be right?

Mr. DEAN. No, sir, I don't.

The CHAIRMAN. Would the gentleman yield?

Mr. McCLODY. Surely.

The CHAIRMAN. I would just like to state that I listened to that tape this morning.

Mr. McCLODY. Well, how is your hearing?

The CHAIRMAN. It's good.

Mr. McCLODY. Well, mine is too, and I thought it very clearly—

The CHAIRMAN. And it reads like our transcript does.

Mr. RAILSBACK. Will the gentleman yield briefly?

The CHAIRMAN. The gentleman from Illinois has the time.

Mr. McCLODY. I would like to return to one other thing if I may.

The discussion with respect to clemency had this in mind, did it not, wasn't Colson a long-time friend of Hunt, hadn't Colson brought Hunt into the White House and Hunt's wife had died recently, and he was talking about a sympathetic attitude toward Hunt and that that was the particular reason for discussing clemency in his individual case?

Mr. DEAN. No, sir, that's not correct. It is correct partially, but it is

not the reason, it was the justification that was conceived as to why Mr. Colson could do it.

Mr. McCLODY. It was your opinion there was a quid pro quo involved there and it involved others as well?

Mr. DEAN. It is not my opinion, sir. It was just what I heard during the discussion. Mr. Colson had demands made upon him that Mr. Hunt wanted some assurances that he wouldn't, given the fact that he was going to plead, be in jail the rest of his life, and he wanted some assurances from Mr. Colson.

Mr. McCLODY. Would that apply—

Mr. DEAN. They weren't all pleading. This is why it came up in this case at that time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Kastenmeier.

Mr. KASTENMEIER. Mr. Chairman, I request that I may reserve my time.

The CHAIRMAN. Mr. Smith.

Mr. SMITH. Mr. Dean, at the time that you found the two notebooks and the popup telephone directory of Mr. Hunt's, why did you decide to shred them rather than hand them over to the FBI and say, here is some more of Hunt's things that we found?

Mr. DEAN. Well, I have learned that Mr. Gray had destroyed the documents that he had received and I was frankly pregnant, and you know, it was just the only answer, as I saw it then.

Mr. SMITH. All right.

Mr. Chairman, I would like to reserve the balance of my time, if I may?

The CHAIRMAN. Mr. Edwards.

Mr. EDWARDS. Thank you, Mr. Chairman.

Mr. Dean, on March 20, 1973, you told Mr. Ehrlichman and Mr. Moore about the Hunt demands, is that correct?

Mr. DEAN. That is correct, and Mr. Krogh.

Mr. EDWARDS. And Mr. Krogh. And did Mr. Haldeman know?

Mr. DEAN. Well, it's—it's my best recollection that he did, yes.

Mr. EDWARDS. Now, Mr. Dean, do you have any evidence that any of this was passed on by any of those people who became cognizant of this very explosive information on March 20 to the President?

Mr. DEAN. It was my feeling, after talking to Mr. Ehrlichman, I was going directly down to meet the President and he said, as I recall, he said George Bush is down there, and there are some Governors. So, I didn't know whether he would raise it then or not, if he had an opportunity after the meeting to raise it, or however. But, I thought that night when the President called that I made the point to the President, I said before John Ehrlichman came down to meet with you, and I am paraphrasing, before he came down to meet with you late this afternoon, I had a conversation with him. I wanted to make it clear that, you know, I had talked to him also and that is when I went on to say that I think that before, you know, you make any judgments, you ought to have the broadest implications of this entire matter.

That morning, before I went in to see the President, I was frankly surprised when Mr. Ehrlichman came walking out of the office before

me. I went in with the impression that the President, indeed, did know before I told him.

Mr. EDWARDS. My next question has to do with the telephone call.

The same night that you advised Mr. Ehrlichman and Mr. Moore and Mr. Krogh about the Hunt demands, the President called you at your home. Had that ever happened before?

Mr. DEAN. I believe he might have called me before at home, but it was a little different call. There was no doubt that when, after I talked to Mr. Krogh, and Mr. Krogh and I being good friends, Mr. Krogh knew I was extremely unhappy about what was going on, that the coverup was going on. I thought—I told him I thought he was getting, the President was getting that advice and other things. I knew that he was somewhat distraught about the entire coverup. I had been for some months by then, and I was just finding more and more people I felt I had to talk about it with, because I had been carrying it all alone too long.

I received a call later from Mr. Ehrlichman, indicating he had talked to Mr. Krogh later that evening, and he said, "Well, now don't worry about Bud and his problem of perjury. I think that's no problem and I don't think he perjured himself."

And then he also told me something that I had told Mr. Krogh, which indicated that he had talked to Mr. Krogh at some length. I suggested to Krogh that there might be some way, Bud, if we could talk to Henry Peterson about it, to get you some sort of immunity on a national security basis for your involvement in the Ellsberg break-in and he liked the idea.

Well, I said I would brood on it, and maybe we could do something about it.

Well, when Mr. Ehrlichman called me back after making this comment about Bud doesn't have any perjury problem, he said, "why don't you call Henry Peterson and discuss it with him." And I said all right, but I never did.

Mr. EDWARDS. Next morning, on March 21, at your meeting with the President, was this rather explosive news that you gave to the President that the White House was being held up for \$120,000 and so forth, with implications of blackmail and so forth, did he express any anger or indignation at this bombshell that you had dropped?

Mr. DEAN. No, sir, I don't believe he did, and I don't believe that the transcripts indicated that he did. And I don't recall that he did.

Mr. EDWARDS. And a little while later, when Bob Haldeman walked in, he didn't say to you, did he say to Haldeman, "Bob, we have really, really got a problem here?" He didn't say anything like that? Did he express any great concern to Haldeman?

Mr. DEAN. Well, when I was reading the transcripts, I was quite surprised to see where Mr. Haldeman says really, really, really, and I tried to reconstruct that and I remember what had happened.

And I believe what had occurred there is Mr. Haldeman misunderstood me, that Mr. McCord was making these demands, that McCord was playing hard ball. And that is why he was reacting that way, because I don't recall the President briefing Mr. Haldeman and he went right into the conversation with Mr. Haldeman, just as if he had been present all along and privy to what the substance of the discussion was.

Mr. EDWARDS. Thank you, Mr. Dean.

The CHAIRMAN. Mr. Sandman.

Mr. SANDMAN. Mr. Chairman, I would like to reserve my time.

The CHAIRMAN. Mr. Hungate.

Mr. HUNGATE. Thank you, Mr. Chairman.

Mr. Dean, as I recall at one time you were counsel to the minority of this committee?

Mr. DEAN. Yes, sir.

Mr. HUNGATE. Served with us here?

Mr. DEAN. That is correct. I have spent a lot of time in this very room right here.

Mr. HUNGATE. And throughout that time, if your competence, integrity, or veracity were ever questioned during that period, I never heard of it.

Talking now, or addressing June 17, 1973, I think the testimony was in Florida at that time. Or 1972, I beg your pardon, June 1972, June 17.

Mr. DEAN. That is correct.

Mr. HUNGATE. Do you know if the President returned to the White House or to Camp David on June 18 of 1972?

Mr. DEAN. No; I do not. I can only recall on the 19th being under the impression that Mr. Ehrlichman was in telephonic communication with Mr. Haldeman in Florida, is what he told me.

Mr. HUNGATE. Thank you.

Now, I believe you answered Mr. St. Clair that you never saw the President at all after the DNC break-in and I take it that's the one of June 17, 1972, not the earlier May one, but from the time of that June 17 break-in, until September 15, 1972. Did I understand that correctly?

Mr. DEAN. I never talked to him about Watergate. Other than that I don't know. I may well have been—the White House records may show that I was in the office for some other purpose, but that was the only time I was in there or——

Mr. HUNGATE. For discussion of the Watergate matter, is that correct?

Mr. DEAN. That's correct.

Mr. HUNGATE. All right, sir.

Now, in the Presidential documents, and I believe you have one there, there should be one there, the White House document like this——

Mr. DEAN. This comparison?

Mr. HUNGATE. No. No. I beg your pardon. These are press releases and statements. I am looking at page 3 of that. There is a question in the press conference:

Mr. President, wouldn't it be a good idea for a Special Prosecutor, even from your standpoint, to be appointed to investigate the contribution situation and also the Watergate case.

And the President replied about the GAO investigation, the FBI, and the Department of Justice, and then he goes on to say, "In addition to that, in my own staff, under my direction, Counsel to the President, Mr. Dean," this is on August 29, 1972, "Counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present members of the White House staff

or anybody in Government. I can say categorically that his investigation indicates no one in the White House staff, no one in this administration presently employed was involved in this very bizarre incident."

I take it you are the Mr. Dean referred to in that statement?

Mr. DEAN. Yes, sir.

Mr. HUNGATE. And this is August 29, 1972, and as I understand your testimony to Mr. St. Clair, from the time of June 17, 1972 until September 15, 1972, the President, to your recollection, never discussed the Watergate matter with you.

Mr. DEAN. No, sir.

Mr. HUNGATE. Thank you.

I direct your attention to page 5 of the Presidential documents. This is a press conference, news conference of March 2, 1973.

In regard to the Watergate case, the investigation conducted by Mr. Dean, the White House Counsel, which particularly he had access to FBI records on this particular matter, because I directed him to conduct this investigation, indicates no one on the White House staff at the time he conducted the investigation last July or August was involved or had knowledge of the Watergate matter.

That again refers to you, does it not Mr. Dean?

Mr. DEAN. Yes; it does.

Mr. HUNGATE. On page 8 I believe you referred to that or a part of that earlier in the terms of the lawyer privilege as well as Presidential privilege and executive clemency.

Continuing on page 8, the President states at a press conference of March 15, 1973:

I am very proud of the fact that in this Administration we have been more forthcoming in terms of relationship between the Executive, the White House and the Congress than any Administration in memory. We have not drawn a curtain down and said there can be no information furnished by members of the White House staff because of this special relationship with the President.

And then continuing on page 9, in answer to a question:

Mr. President, would you be willing to have Mr. Dean sit down informally and let some of the Senators question him, as they have Dr. Kissinger.

The President, in reply, states in the second paragraph that:

We have the relationship we have with Mr. Dean and the President of the United States, his Counsel, that would not be a proper way to handle it. He will however, the important thing is, he will furnish all pertinent information, he will be completely forthcoming, something that other Administrations have totally refused to do until we got here, and I am very proud of the fact that we are forthcoming and I would respectfully suggest that Members of the Congress might look at that record as they decide to test it.

Now, that refers again to you, Mr. Dean, is that right, and your possible testimony? Is that right?

Mr. DEAN. Mr. Hungate, that is true.

Mr. HUNGATE. Thank you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Railsback.

Mr. RAILSBACK. Mr. Dean, I would like to call your attention to page 121 of the transcripts that I think you have on your desk, and refer you to that part of a conversation that took place on the morning of March 21 involving the President and yourself and which begins with the President's saying:

That's why, that's why—that's why your, for your immediate thing you've got no choice with Hunt but the hundred and twenty or whatever it is. Right?

DEAN. That's right.

The PRESIDENT. Would you agree that that's a buy time thing, you better damn well get that done, but fast?

DEAN. I think he ought to be given some signal, anyway, to, to——

The PRESIDENT. Yes.

DEAN. Yeah—you know.

The PRESIDENT. Well, for Christ's sake get it in a, in a way that, uh—who's, who's going to talk to him?

Inasmuch as you have testified that you believe you talked to Mr. LaRue prior to this particular meeting, I am wondering why during this conversation you did not tell the President that you had already talked to LaRue?

Mr. DEAN. Well, I can only say, Mr. Railsback, that the President was taking the lead at this time. I was just sort of following along and it just wasn't in my mind to say that at that time.

Mr. RAILSBACK. Did this——

Mr. DEAN. The other thing is I can be dead wrong, and I might have, I might have met with Mr. LaRue later. I don't know. I have tried to place it as best I can. I recall it occurring before the meeting of the 21st.

Mr. RAILSBACK. Well, let me ask you this: Did this conversation, did it motivate you, to the best of your recollection, to do anything, or what if anything did it motivate you to do?

Mr. DEAN. Well, as I testified earlier, as far as I was concerned, I had no responsibilities to make anything regarding the payment. I had no—I didn't feel it was an instruction to me to go out and do something. I felt that as far as raising money, getting \$1 million, we discussed about that, that was totally left hanging.

Mr. RAILSBACK. But not this business about the \$120,000; is that correct?

Mr. DEAN. That is correct.

Mr. RAILSBACK. Now, calling your attention to the September——

Mr. DEAN. Excuse me just a moment.

Mr. RAILSBACK. Mr. Chairman, could I have this not docked from my time while he is consulting?

The CHAIRMAN. Well, it would be a little unusual, but nonetheless we will construe it liberally.

Mr. RAILSBACK. Did you want to add something?

Mr. DEAN. The other thing is that counsel points out Mr. LaRue's name comes up on the next page, but I am there talking generally about how Mr. LaRue does a procedure. It is not in the context of having talked to him or anything of that nature.

Mr. RAILSBACK. I see. Now, going to the September timetable, around September 15, and I notice on September 11, we have information that Mr. Walters went to your office, and that you gave him a list of McGovern staff members and campaign contributors and requested that the IRS begin investigations or examinations of the people named on their list. Now, earlier you have testified about a conversation that you had with the President. We have also been advised that on September 15, because of a tape that we received, we know that you entered a conversation with the President beginning about 5:27 p.m. which lasted until 6 p.m. I believe and then we have also requested a tape that involved a continuation of the conversation between your-



self and Mr. Haldeman and I think terminated at 6:17 p.m. We have not been able to get that tape.

Based on your review of the transcripts and your recollection of your conversation on that day, was that the time that you engaged in a conversation concerning the IRS?

Mr. DEAN. Yes; it was. The first time I read these tapes I immediately reacted, I said well where is the rest of the conversation because I remember this very vividly. I did not testify about it in any great detail in the Senate. I didn't use for example, didn't want to do it on public television, Mr. Shultz' name and the comments the President made about that, but that is very vividly in my mind.

Mr. RAILSBACK. Is it your further recollection that this was the first time that the President was advised of this requested audit of the McGovern contributors?

Mr. DEAN. No, sir. That wasn't my impression. My impression was, and I think that's revealed partially in the tape that is there, that there was discussion about what to do with the McGovern situation. There is a reference to a mail check. That went right beyond my head at the time and apparently it was something that Mr. Ehrlichman was conducting. I don't even know what a mail check is.

Mr. RAILSBACK. Were you instructed to tell Mr. Walters on September 11 that the President himself had not authorized?

Mr. DEAN. I was instructed to not use the President's name, that is correct.

Mr. RAILSBACK. And who instructed you?

Mr. DEAN. Well, that was very clear in my discussions with Mr. Ehrlichman.

Mr. RAILSBACK. In your conversation on September 15 with the President, was it clear to you—well, no, let me just ask you this—

Mr. DEAN. May I just correct the record? You keep saying the 11th. I testified earlier it was the 13th. I am off 2 days, and that was just my recollection of it being the 13th, so I would like to correct that to the 11th.

Mr. RAILSBACK. All right. Let me ask you about the September 15 conversation that you now believe took place from at least after 6 o'clock. Can you give us a little bit more information about what the conversations were about?

Mr. DEAN. Yes; I can.

Mr. RAILSBACK. And the extent of the President's knowledge about the requested audits?

Mr. DEAN. Well, I can't tell you what prompted the discussion of the audit. I can only recall that that launches the President into a—into an extended discussion about the situation and about the Internal Revenue Service and not using it effectively and from there we immediately went to the fact that we were not using the entire apparatus of the Government effectively and the changes that would be made after the election. And immediately Mr. Haldeman started taking notes of this and he reported to him well, we have some plans and programs for after the election to get our people out in those agencies and the like.

I might also add that I believe there are other things in the remainder of that transcript that are relevant to this and that I told to him there were hurdles down the road that we couldn't get over.

Mr. RAILSBACK. Well, you said for one thing—

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAILSBACK. Mr. Chairman, I think Mr. Smith has reserved some time. Could I possibly use his time now?

The CHAIRMAN. If the gentleman wants?

Mr. SMITH. Mr. Chairman, I will yield to the gentleman.

The CHAIRMAN. Without objection. You have 4 minutes and 16 seconds left.

Mr. DEAN. That there were hurdles down the road that I couldn't guarantee that we could get over. This became very evident to me when I read the portion of the transcript that's available that I was talking about this point. This point and this point, and I later came back and told him how if we delete this hurdle, and there were more hurdles, something to this effect. This is the gist of the conversation, and I couldn't promise him that someday it wouldn't unravel. That's my memory.

Mr. RAILSBACK. Did I understand your testimony this morning that at some point the President made reference to George Shultz and referred to him as a candyass?

Mr. DEAN. Something to that effect, yes.

Mr. RAILSBACK. Did the President also say that if you needed any help that he would be willing to help you accomplish your purpose?

Mr. DEAN. That is correct.

Mr. RAILSBACK. Now, what happened when you were unsuccessful in obtaining any cooperation from either apparently Secretary Shultz—well, I have since been led to believe he turned it off or refused to comply with the request and you were not successful in your following with Walters. What, if anything, did you do and what if any help did you request from the President, and what did he do?

Mr. DEAN. Well, I have got to be very candid. I was happy it had been turned off. I didn't like it, and I didn't do anything more. I got continual—one of Mr. Ehrlichman's staff assistants, Mr. Hullin, continued to call me and ask me about it. And I think, I gather from a conversation I had with Mr. Walters that he had also called Mr. Walters and Mr. Walters was a little annoyed about it, but they kept resisting and resisting, so I don't know if the President got back in it or not or I don't know, I don't know of any audits that were accomplished.

Mr. RAILSBACK. I see. Do you have any knowledge of your own that the—I assume that it would be from an earlier conversation that you had with John Ehrlichman that the President knew about these audits prior to the September 15 conversation?

Mr. DEAN. Congressman, that would be pure speculation on my part, and I would prefer not to speculate.

Mr. RAILSBACK. I see. In other words, when you did—I take it you met with Ehrlichman—well, what was the authorization, the genesis of the authorization for doing what you did?

Mr. DEAN. Started from Higby telling me about something I didn't know anything about. Then later from Ehrlichman I got a hold of Chotiner. Chotiner told me about what the plan was. Chotiner collected the list, brought it over to me, I got continual calls from Ehrlichman's assistant, Hullin, to ask on the status of it. Finally, it came—I finally got Walters over to my office, sat down, told him.

Walters was a good friend of mine. He and I talked about IRS and the problems of IRS and I told him this is what I have been asked to do. He said, "Does it come from the President" and I said, "No; it doesn't come from the President," because that was the only way he said he would even consider it further. And he just said it couldn't be done and then he went and got Secretary Shultz to back him up on it and I was happy at that and then I think it did come up in the September 15 conversation.

Mr. RAILSBACK. May I just ask you one other thing. This involves the CIA and the meetings that were held following the June 17 break-in. I believe that at one point you had a conversation with the President, perhaps it was John Ehrlichman that had a conversation. You met with Walters and that's when you were trying to get the CIA to indicate there were possibly covert operations?

Mr. DEAN. Yes.

Mr. RAILSBACK. Was there any Presidential involvement that you know of there?

Mr. DEAN. Well, not on my side; no. All I know is Mr. Ehrlichman told me when I went to him with the plan that had been given to me over at the Re-Election Committee with Mr. Mardian and Mr. Mitchell, to check the CIA because they were competent to handle this. I went to Mr. Ehrlichman with this and I said, "I don't know anybody at the CIA, I have never dealt with them. I don't know Helms from Adam and this is rather sensitive." And he said, "Well, don't call Helms." He said, "Get ahold of General Walters, we have already had a little chat," and I said, "OK."

He said, "If you have any problems with Walters, have Walters call me."

I called Walters and, indeed, I had a problem with Walters. He didn't know who in the hell I was, and so he—in fact, I called him by the wrong name, used the wrong first name. So, he subsequently called Mr. Ehrlichman and then called me back and said, "I have checked it, I will come and see you." And then I had my conversation with him, which I have testified to.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. Eilberg.

Mr. CONYERS. Pardon me.

The CHAIRMAN. Oh, Mr. Conyers. I'm sorry.

Mr. CONYERS. Thank you.

Mr. Dean, the great number of plans that you have testified to here before the Senate committee that we have heard on tapes all point out a continuing web of crime and illegal activity emanating from the White House, is that correct?

Mr. SHAFFER. Mr. Chairman, may I object to the form of that question?

The CHAIRMAN. I suggest that the gentleman from Michigan rephrase his question.

Mr. CONYERS. I will withdraw the question and attempt to rephrase it, Mr. Chairman. Isn't it true that your activities in connection with the Watergate coverup were understood to have been in the name of the President?

Mr. DEAN. Mr. Congressman—

Mr. SHAFFER. May I object to the form of that question. Understood by whom?

Mr. CONYERS. I will withdraw the question.

The CHAIRMAN. I think I have to sustain the objection.

Mr. CONYERS. I will try another approach, Mr. Chairman. Now, isn't it true that these activities of Watergate and the coverup were done in the name of reassuring the election of the President?

Mr. DEAN. I think the best way I can answer the question is that there was great concern by those involved and I can speak for myself only on this, that the Watergate incident would affect the reelection of the President, it would affect the operations of the White House, his ability to conclude the negotiations with regard to Vietnam. These were all things that loomed in our mind as important enough to do what we were doing. Now, right or wrong, the motive for the act, misconstrued or not, these sort of motivations.

Mr. CONYERS. I, of course, I understand that applies to the Huston plan as well, does it not?

Mr. DEAN. Well, I can't speak to the Huston plan. I inherited the plan.

Mr. CONYERS. I know you did, but you understood what it was and what it aimed to do?

Mr. DEAN. Yes; I did.

Mr. CONYERS. And wasn't that working in the same general direction of the objectives you have described?

Mr. DEAN. In my own opinion I can't say that; no.

Mr. CONYERS. But what about the operations of the plumbers unit in the White House. What objective would you say that they were working toward? -

Mr. DEAN. Well, not being involved in the establishment of the plumbers and, in fact, they established it without my knowledge, I ran into it by accident. I think that given the fact that I had earlier had some conversations where I had tried to turn off a burglary of the Brookings that they figured that Dean isn't the man for this type of operation, so I can't tell you.

Mr. CONYERS. But you were aware of the plumbers and their operation within the White House? That was not really a secret operation to the extent—

Mr. DEAN. To the extent—

Mr. CONYERS [continuing]. Members of the staff of the President were unaware of it?

Mr. DEAN. Well, the fact that there was a unit down there working on leaks and declassification was no secret.

Mr. CONYERS. Right. And that activity was surreptitious, was it not?

Mr. DEAN. The leak activity?

Mr. CONYERS. All of their activities? The Plumbers' activities were generally undisclosed and unknown to the general public?

Mr. DEAN. That is correct.

Mr. CONYERS. And to the Congress, and was operating in a clandestine fashion, is that true?

Mr. DEAN. That is correct. Yes.

Mr. CONYERS. And would you not, as you have reviewed this matter, as we have, come to the point, the conclusion that this was, in effect, an extra legal police activity in that they were committing activities that were normally reserved to law enforcement officers?

Mr. SHAFFER. Mr. Chairman?

Mr. DEAN. Mr. Chairman, I would like to be excused from offering opinions.

Mr. WIGGINS. Mr. Chairman, I object to the form of the question.

The CHAIRMAN. I think that the witness should be excused.

Mr. CONYERS. I will withdraw the question. I am trying to get from you, sir, the notion that this was, that there were a number of activities going on in the White House that were clearly of an illicit, illegal and covert nature that spread throughout the Plumbers activities, that even started before the Watergate and the coverup so that there were a seamless web of activities not generally known to the American people. Isn't that fair to say?

Mr. WIGGINS. Mr. Chairman, I object.

Mr. DEAN. Might I ask that I might be excused—

Mr. WIGGINS. May I interpose an objection before the witness answers?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONYERS. Can I get an answer to that?

Mr. DEAN. I requested to be excused—

The CHAIRMAN. The objection has been made and the Chair is going to sustain the objection.

Mr. Wiggins.

Mr. WIGGINS. With regard to this pervasive activity which has just been described, you didn't understand that it involved any initial misconduct on the part of the President, though, did you?

Mr. DEAN. You are asking me to speculate, Mr. Wiggins, and I would prefer not to.

Mr. WIGGINS. Well, let me read you a sentence from your Senate select committee testimony at page 914, and tell me if it is true. The sentence is "It is my honest belief that while the President was involved, that he did not realize or appreciate at the time the implications of his involvement. And I think that when the facts come out, I hope the President is forgiven." Is that a true statement?

Mr. DEAN. That is a statement of opinion, and that's one of the few I offered in the Senate also.

Mr. WIGGINS. Did you at that time honestly hold that opinion?

Mr. DEAN. Yes, sir, I did.

Mr. WIGGINS. Now, Mr. Dean, I have gone over this extensive paper of yours and it is indeed that and it fully justifies your taking credit for a good memory.

I would like to call your attention, if you will, to the events on or about late June of 1972 and ask if at that time, you had a discussion with any other person with regard to the raising of money for the defendants. I am seeking, Mr. Dean, your first conversations when the subject arose.

Mr. DEAN. You mean the first date.

Mr. WIGGINS. Yes; if you can.

Mr. DEAN. I can't. I testified in the Senate that I thought it was after the rejection of the CIA idea and it occurred at about the 28th. You

will note when I used that date, I was speculating and I think, as I recall, I prefaced that date with, "That was the best I could remember." I would say on or about—

Mr. WIGGINS. That is fine. Would you tell us who was present at that meeting on or about June 28?

Mr. DEAN. Well, there was more than one discussion, also.

Mr. WIGGINS. The first one that you remember, please.

Mr. DEAN. Well, the first one might have preceded that because we talked about the problem with regard to the CIA being able to do this function.

Mr. WIGGINS. I am interested in your best memory as to the first conversation at which the discussion was raised concerning the payment of money to these defendants.

Mr. DEAN. I can't give you the date of the first discussion.

Mr. WIGGINS. Well, can you give me the participants in that discussion, whenever it occurred?

Mr. DEAN. I guess I can. Mardian, Mitchell, I think LaRue was present, and myself.

Mr. WIGGINS. Now, to the best of your recollection, please testify what was said by the parties at that time insofar as it relates to the payment of money.

Mr. DEAN. Well, there was a realization, apparently based on conversations that had been had with Mr. Liddy, that they were expecting that certain commitments be honored and if they got their attorneys and those attorneys paid for because none of them could afford them—I also remember the fact that Mr. Liddy said his wife was ill and had expensive care treatments and things of this nature—that that would solve the problem. It was not as direct a threat initially as it became, for example, with the Colson conversation—

Mr. WIGGINS. Well, let's not talk now about the latter conversation, but confining our attention to the earlier one, have you testified to your best recollection of what was said at that time?

Mr. DEAN. I cannot say at this time who said what and the like. I can only recall the gist of the conversations.

Mr. WIGGINS. Did the conversation include a mention of commitments which was relayed from Liddy? As I understand your testimony, he mentioned some family problems as well.

Mr. DEAN. That is one of the things I do remember, the fact that these fellows had—there was a bail problem, making bail, and that they were expecting that these commitments would be honored.

Mr. WIGGINS. All right. Now, you relayed that information to Mr. Ehrlichman shortly thereafter, did you not?

Mr. DEAN. That is correct.

Mr. WIGGINS. And as a result of the conversation with Mr. Ehrlichman, you contacted Mr. Kalmbach?

Mr. DEAN. No, sir, that is not the sequence.

Mr. WIGGINS. Before we get to the sequence, did you tell Mr. Ehrlichman accurately what you had learned from the earlier meeting?

Mr. DEAN. Mr. Wiggins, whenever I was imparted information, I tried to convey as best I could back to Haldeman or Ehrlichman whatever it was and vice versa.

Mr. WIGGINS. All right. I will accept that.

Thereafter, you did have a conversation with Mr. Kalmbach, did you not, concerning the subject of money?

Mr. DEAN. After I was able to get the approval or the request of Mr. Mitchell to bring Mr. Kalmbach forward to do this, knowing that this was going to be something that would require the approval of Mr. Haldeman and Mr. Ehrlichman, I went back and got their approval, then called Mr. Kalmbach, and Mr. Kalmbach came back east.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Eilberg?

Mr. EILBERG. Mr. Chairman, I would like to reserve my time.

The CHAIRMAN. Mr. Dennis?

Mr. DENNIS. Mr. Dean, you have stated that it was your impression that the President had heard about Hunt's demands before you saw him on the morning of March 21. Nevertheless, that remains exactly that, your impression, correct?

Mr. DEAN. That is correct. Not totally, in that—

Mr. DENNIS. Well, now, you have answered my question.

Mr. DEAN. All right, fine.

Mr. DENNIS. Referring again to the contents of Mr. Hunt's safe, how did you happen to find the Hermes notebook and the popup notebook in your safe?

Mr. DEAN. I was requested, after I had my meeting with Mr. Silbert down at the U.S. attorney's office and I had relayed to Mr. Petersen the fact that there had been material turned over to Mr. Gray—and at that time, it was my impression or conception that, by golly, that is where the Hermes notebooks would be, in those envelopes. I had no idea what a Hermes notebook was.

Mr. DENNIS. How did those envelopes get in your safe?

Mr. DEAN. Well, Mr. Fielding of my office and I, in a very unsystematic and—unfortunately, we didn't catalog everything; I wish we had—packed the things in my safe. We could not get everything in there. Some of the things I had to send to David Young. Some of the—the big suitcase I locked in an outer office drawer and I stuffed the rest of the things in the safe.

Mr. DENNIS. Let me ask you this: When you took the contents of Hunt's safe and gave part of it to the agents and later gave part of it to Gray, were you conscious at that time that you had some of it left that you had put in your safe?

Mr. DEAN. No, sir, I was not. As a matter of fact, Mr. Fielding was the one who got the envelopes out for me to send over to Mr. Gray.

One of the problems with my dealing with my safe was I was unable to open it. I could not handle the combination. I knew what it was, but every time I turned the dials—

Mr. DENNIS. Your answer is you don't know how it got into your safe, that right?

Mr. DEAN. I assume it was placed in there by either Fielding or myself when the material was placed in there the night we had gone through it.

Mr. DENNIS. And you had not sufficiently curiosity, even though you knew this was from Hunt's safe and you knew that Mr. Gray had shredded some papers, you had not sufficient curiosity to read these notebooks when you found them and found out what was in them?

Mr. DEAN. There was not that much in them. Just thumbing through them, I didn't really want to know.

Mr. DENNIS. Do you remember the names or addresses?

Mr. DEAN. It was not a pleasant—I was pregnant, but it was not a pleasant act to stick these in the shredder, but it was the best answer at the time, in my perception of things.

Mr. DENNIS. When you talked to Mr. Colson, walking between the White House and the EOB, about the fact that he had said that he had talked to the President about clemency for Mr. Hunt, that was about January 3, approximately, is that right?

Mr. DEAN. It was the fourth or fifth, I think.

Mr. DENNIS. Of January 1973?

Mr. DEAN. Yes.

Mr. DENNIS. Did Mr. Colson tell you when he had talked to the President?

Mr. DEAN. Well, I could only assume what had happened.

Mr. DENNIS. No, I wanted to know whether he told you when he had talked to him.

Mr. DEAN. No, but I can tell you because of the very short sequence of time when it would have been.

We had met in Mr. Ehrlichman's office where we discussed the matter generally as to what Colson should say to Mr. Bittman. Ehrlichman said, "You can't give him any commitments." He said he told—Ehrlichman told Colson that he should not talk to the President about this, that he had already talked about the President some time ago and this was something he should not raise, but he should give him general assurances without giving him any commitments.

The next day—then Colson talks to Bittman. After he does that, he calls a hurried meeting to come back and tell Ehrlichman and myself how he has handled—he was very pleased with the way he had handled it.

He said, "Well, I gave him all kinds of assurances, but I don't think I gave him any——"

Mr. DENNIS. I only asked you when he talked to the President.

Mr. DEAN. I am getting to your point. It was after that meeting that he told me that he had given the assurances to Bittman, when we were walking over, he said, "You know, John, I felt this is so important that I really should take it up with the President."

Mr. DENNIS. All right. Did he——

Mr. DEAN. I will tell you what else he said to me. He said, "Hunt is a good friend of mine and I really would not want to give him that assurance without having any backup at all."

Mr. DENNIS. All right. Did he tell you what he said to the President and what the President said to him?

Mr. DEAN. No, sir; I didn't ask him.

Mr. DENNIS. You didn't ask him?

Mr. DEAN. No, sir, I was sort of surprised he had done it because Ehrlichman told him not to do it.

Mr. DENNIS. You say that in the conversation on March 21, you were trying to persuade the President not to make payments to Hunt?

Mr. DEAN. That was my initial motive and I was shortly turned around.



MR. DENNIS. That was the same conversation referred to here a minute ago by Mr. Railsback, in which you said that obviously, he ought to be given some signal, anyway, was it not?

MR. DEAN. That was to be something less than money.

MR. DENNIS. And was it also the same conversation in which, while the matter of paying Hunt was under discussion, you said, that is worth buying time on?

THE CHAIRMAN. You can answer the question, but the time of the gentleman has expired.

Please answer the question.

MR. DEAN. That is the same conversation, but as I have said, that was the—by that time, I had been turned around. I would slowly turn the other way and I would be turned back around again, if you read the conversation in context.

THE CHAIRMAN. Mr. Waldie.

MR. WALDIE. Mr. Dean, you testified to a meeting with the U.S. attorneys, at which point the question of your handing over certain matters to Mr. Gray from Mr. Hunt's safe came up and you asked Mr. Petersen to step outside.

MR. DEAN. That is correct.

MR. WALDIE. You told him if that matter were pursued, you would have to testify that that was what was done, and as I understood you, you said Mr. Petersen then dropped that subject and that was the end of the interview.

MR. DEAN. Well, he terminated the meeting after that. He came back in with me and after that, the problem was eliminated, because Mr. Hunt had pleaded guilty and they used Mr. Kehrli and Mr. Fielding rather than Dean to testify as to the handling of the sequence of the evidence.

MR. WALDIE. Well, that problem was eliminated, but the problem of Mr. Petersen's hearing that information and not proceeding any further seems to me to bear some further examination.

Did you convey to any other individual such as the Attorney General, Mr. Kleindienst, that the top prosecutor was informed that you had passed materials to Mr. Gray and did not pursue that?

MR. DEAN. No. I told Ehrlichman after I talked to Mr. Gray that Mr. Gray had informed me that the documents had been destroyed.

MR. WALDIE. Well, but did you tell anybody about Mr. Petersen's role in obviously, I gather, attempting to permit the coverup relative to the documents in Mr. Gray's hand to be sustained?

MR. SHAFFER. Mr. Chairman, I object to the question, because it calls for a characterization of Mr. Petersen's conduct by my client and my client does not know what steps Mr. Petersen did or did not take with respect to Mr. Gray to find out as to the truth or falsity of what my client said.

MR. WALDIE. I will apologize for the question and rephrase it.

Did you discuss Mr. Petersen's conduct which I characterize as peculiar—I do not ask you to accept that at all—with any other individual superior to you?

MR. DEAN. Well, Mr. Ehrlichman was aware of it, and as I have said—

Mr. WALDIE. Did you discuss Mr. Petersen's conduct in that instance with Mr. Ehrlichman?

Mr. DEAN. No, I did not.

Mr. WALDIE. How was he aware of your experience with Mr. Petersen, then?

Mr. DEAN. I think he was when I told him about the destruction. I told him how that had come up. I told him that it had come up when we were down there being interviewed and that Gray had told me subsequently it was being destroyed. I don't recall specifically discussing Mr. Petersen, though.

Mr. WALDIE. Did you discuss Mr. Petersen's role with anyone? Did you discuss that incident with Mr. Petersen with anyone other than the Senate Select Committee?

Mr. DEAN. I don't believe so, no.

Mr. WALDIE. You referred to Mr. Petersen in a conversation with the President as being a good soldier. Was this incident part of the reason for you to have concluded he was a good soldier?

Mr. DEAN. No sir, it was not.

Mr. WALDIE. Had this incident occurred prior to or subsequent to that conversation?

Mr. DEAN. Prior to.

Mr. WALDIE. Well, did you not think he was being a good soldier when he——

Mr. DEAN. I thought he had been a good soldier because of the fact that we were concerned that the investigation could go into countless other areas quite by accident—the "Plumbers," things of that nature.

Mr. WALDIE. But this with Mr. Gray would have been quite by intention. You were concerned that he would have discovered Mr. Gray. Well, you told him——

Mr. DEAN. I believe I learned subsequently that Mr. Petersen went to Mr. Gray right after that incident happened.

Mr. WALDIE. After you had told him?

Mr. DEAN. Yes, that is correct.

Mr. WALDIE. When did you learn that he went to Mr. Gray?

Mr. DEAN. I think this was in the Senate testimony or something to that effect. It also came up with the prosecutors when we first raised it that they said that Petersen had checked this out and Gray had denied it. As a result of Gray denying it, and then he re-denied it again in April of 1973, when I raised it again, and as a result of that——

Mr. WALDIE. All right, then, will you describe what you meant by Mr. Petersen being a good soldier?

Mr. DEAN. Well, I had known Mr. Petersen since the days I worked on this committee—I had worked with him; I had gotten to know him better at the Department of Justice—and that Henry called them the way he saw them. He played them straight down the middle. He didn't see any reason to get into things that were superfluous. He didn't want any investigation wide open of the White House and he would investigate the very narrow issue of who broke in the Watergate.

Mr. WALDIE. When you said he was a good soldier, you did not imply that we could really trust old Henry to keep all our cards in order with a very narrow inquiry which we were seeking?

MR. DEAN. I think that that is also—I think the good soldier description is even further illuminated in later transcripts, where I described Petersen later on to the President as a man who, you know, I don't feel has done anything improper. I knew of nothing. I hoped I hadn't in any way compromised Petersen, because I was aware of his sensitive role when we talked about bringing him into, as a special counsel that can advise us, on the 23d. I said this could create real problems for the man as the head of the Criminal Division in the U.S. Justice Department in his oath of office. If you will remember that.

MR. FISH. Mr. Dean, I have two short questions, then I want to yield to the gentleman from California, Mr. Wiggins.

Going back to your testimony quite early in the day, you were talking about the meeting of September 15th and you are familiar, are you not, with the transcript prepared by the Inquiry staff of your meeting with the President on September 15?

MR. DEAN. Yes, I am.

MR. FISH. It was my understanding that this morning, in response to Mr. Doar, you said that at the time you met the President on the 15th, you told the President about your meeting with Mr. Walters and, as I had you down here, you say "I related this to the President."

My question to you is, Did you relate to him the specifics of why you went to Mr. Walters and of the meeting with Mr. Walters?

MR. DEAN. I cannot recall with specificity how much of that matter was raised. I just have this vivid recollection of the discussion about Mr. Shultz' role and the fact that IRS was not performing and I think that the best evidence of that is obviously the tape.

MR. FISH. And you are referring to that part of the tape that is not transcribed that Mr. Railsback explored with you?

MR. DEAN. That is correct.

MR. FISH. Later on, we are now here on the 27th of February. I believe you said that at the end of the meeting of the 27th, you told the President of your doubts that the coverup could be continued. "He gave me a pep talk and said that we must hang in there and fight," or words to that effect. Is that your testimony this morning?

MR. DEAN. I mentioned the clasping of the first in the hand in the pep talk, yes.

MR. FISH. Well, now, what I don't understand is if this occurred on the 27th of February that you used the term "coverup," that you give no evidence—

MR. DEAN. Now, you have taken literally my characterization again.

MR. FISH. I have down—I thought I would verify if that was your quote.

MR. DEAN. I am saying that I am not saying that is the exact language I used with the President. I was trying to characterize what occurred at the end of that meeting.

MR. FISH. Well, are you telling us that what you said to the President in that meeting could be construed by him in any other way than coverup?

MR. DEAN. I doubt it very seriously.

MR. FISH. My point is if you were talking to him about a coverup and you presume that he understood what you were talking about, and you give us no evidence of his surprise, why is it almost a month

later, on the 21st of March, that you feel you have to go in and tell him about a coverup?

Mr. DEAN. Well, there are a lot of missing conversations between the 27th and the 21st. There were, from time to time, conversations about Watergate. There is no doubt in my mind—I am not going to cite and speculate as to all the things that rumble around in the back of my head because I can't put them on a certain date, I can't be that specific. But they are in the back of my head. The best evidence, again, will be when this committee reviews those transcripts.

Mr. FISH. Mr. Chairman, I would like to yield to Mr. Wiggins at this point.

Mr. WIGGINS. Redirecting your attention to these early conversations in June of 1972 about the payment of money, you have testified to a conversation with Liddy and others, and thereafter, you went to Mr. Ehrlichman and reported that conversation to him and the next, in sequence, as I understand it, Mr. Dean, is a conversation with Mr. Mitchell. Would you please relate to us what was said by Mr. Mitchell, what was said by you in that conversation.

Mr. DEAN. I am not sure, Mr. Wiggins, what conversation you were talking about. You have capsulized a whole series of things that I think I laid out in considerable detail in my Senate testimony. If you could be more specific, I could tell you which one we are talking about?

Mr. WIGGINS. Yes. I am trying to direct your attention to a conversation with Mr. Mitchell following a discussion with Mr. Ehrlichman at which the subject was money and the involvement, perhaps, of Mr. Kalmbach.

Now, does that refresh your recollection?

Mr. DEAN. All right, I understand your question, but I can't accept the way you phrase it. I think I know the answer you are looking for.

Mr. WIGGINS. Just give me what was said by the parties; that is all I am interested in.

Mr. DEAN. All right. It was after, as I recall, the CIA was eliminated as a feasible approach to deal with financing the support of these individuals, that Mr. Mitchell said to me, he said, "Well, we are going to have to use Kalmbach and I would like you to go back over and raise that with Haldeman and Ehrlichman."

Now, there is one thing that is very important here. He said to me, in almost an aside, as I was leaving the office, I was at the side of his desk in his law office, in the Washington office. He said "And Ehrlichman and Haldeman should be particularly interested in taking care of this problem."

Mr. WIGGINS. Did he say anything else?

Mr. DEAN. Yes; he did.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Mann?

Mr. Flowers, I'm sorry.

Mr. FLOWERS. I will be glad to yield to Mr. Mann if he wants to go first.

Mr. SHAFFER. Mr. Chairman, my client would like a little recess.

Mr. DEAN. Could we have 5 minutes?

The CHAIRMAN. We will give you 10 minutes.

Mr. DEAN. I don't need that long.

The CHAIRMAN. We are going to take 10 minutes, because we are going to go through here and we are probably going to be here a couple more hours.

[Recess.]

Mr. EDWARDS (presiding). Mr. Doar.

Mr. DOAR. Congressman Edwards, Mr. McClory asked about the telephone records of John Dean for the 20th, 21st, and 22d. We have those records here. I would like permission to hand one to the counsel for Mr. Dean and ask him to identify it as Dean's exhibit No. 1.

Mr. EDWARDS. Very good.

Mr. DOAR. We will distribute those to the members now so they will have them.

Mr. EDWARDS. Without objection, it is so ordered.

[The document referred to was marked Dean exhibit No. 1 and follows:]

[Dean Exhibit No. 1]

THE WHITE HOUSE  
WASHINGTON

## TELEPHONE MEMORANDUM

March 20, 1973

	TIME			NAME	ACTION
	PLACED	DISC			
OUT		AM			
INC		PM		Gray Lewis	
OUT		AM		John Mitchell	
INC		PM		Bruce Kibler	
OUT		AM			
INC		PM		Ken Parkinson	
OUT		AM		Sen. Hays	
INC		PM		Paul O'Brien	
OUT		AM			
INC		PM		Bill Caselman	
OUT		AM			
INC		PM		Lloyd Zeiderman	
OUT		AM			
INC		PM		Mike Saperstein	
OUT		AM			
INC		PM			
OUT		AM			
INC		PM			
OUT		AM			
INC		PM			
OUT		AM			
INC		PM			

THE WHITE HOUSE  
WASHINGTON

## TELEPHONE MEMORANDUM

3/21

1953

	TIME		DISC	NAME	ACTION
	PLACED				
OUT		AM		Dick Moore	
INC		PM		Karen I.O. 314	
OUT		AM		Bill Caudman	
INC		PM		John Mitchell	
OUT		AM		Dick Cook	
INC		PM		Jimmy Warren	
OUT		AM		AG	
INC		PM		Pat Gray	
OUT		AM		Edward Stetson	128x4730(7TC)
INC		PM		David Wilson	
OUT		AM			
INC		PM		Dean Fisher - TIME	
OUT		AM			
INC		PM		Robert Dixon	
OUT		AM			
INC		PM		Paul O'Brien	
OUT		AM			
INC		PM		Mike Saperstein	
OUT		AM			
INC		PM		Herb Kalmbach	
OUT		AM			
INC		PM			

THE WHITE HOUSE  
WASHINGTON

## TELEPHONE MEMORANDUM

March 22

1973

	TIME		NAME	ACTION
	PLACED	DISC		
OUT	AM			
INC	PM		Paul O'Brien	
OUT	AM		Bud Krogh	
INC	PM		Morgan Russell	
OUT	AM			
INC	PM		Chuck Colson	
OUT	AM			
INC	PM		Marty Hoffman	
OUT	AM			
INC	PM		Dan Rather	296-1234
OUT	AM			
INC	PM		Sam Clawson (Treas)	946-5115
OUT	AM		Peter Flanagan	
INC	PM		Pat Gray	
OUT	AM		Bruce Kibeli	
INC	PM		Attorney General	
OUT	AM			
INC	PM		Wally Johnson	
OUT	AM			
INC	PM		Frank DeMarco	
OUT	AM			
INC	PM			



Mr. DEAN. Mr. Chairman, I know just one thing on here that does not look like anything I have seen before. That is a mark on 3/21, the second page. It looks like "Fred Karen." I don't believe that is a correct transcript of the phone log. I think it is just Karen, and I think that is a reference to Dick Moore's secretary there. I don't think the handwriting is mine.

Mr. DOAR. This may be inaccurate. Mr. Steve Sharp, one of the counsel, got these from the Vesco, up at the Vesco trial. There is one notation on the second page. We tried to block out all the notes that we had made on them. We didn't block out the note about 12:52 per Gray's log. So we don't purport, Mr. Chairman, that this is an exact representation of Mr. Dean's original log.

Mr. DEAN. There is also a note on page 3. There is a time put on the call there regarding the Attorney General 1:57-3:43, DW/RN in EOB. I am not familiar with that.

Mr. EDWARDS. If there are no further objections, they will be made part of the record with the notations, with the reservations as explained by Mr. Dean and Mr. Doar.

Mr. DEAN. Fine.

Mr. EDWARDS. Now Mr. Flowers.

Mr. FLOWERS. Thank you, Mr. Chairman.

Mr. Dean, is my understanding correct, and I believe you so testified, that on the one hand, you had the Committee to Re-elect the President concerned about the coverup for the obvious reason that their people were involved in the Watergate break-in—that is, Mr. McCord and thereby Mr. Hunt and Mr. Liddy, who were under their, you might say, jurisdiction at that point.

Mr. DEAN. Right.

Mr. FLOWERS. And on the other hand, you had a person or persons at the White House, or White House people, personnel, involved because of other activities that Mr. Hunt had engaged in at the direction of persons at the White House. And that would be a part of the discovery flowing from any other activity that was discovered from these people, is that correct, sir?

Mr. DEAN. That is correct, with something I testified to earlier regarding the fact that quite obviously, there was political embarrassment to all concerned if something went wrong with the Re-election Committee.

Mr. FLOWERS. Whether or not there was any discovery of any other activity that Mr. Hunt had engaged in while at the White House?

Mr. DEAN. Right.

Mr. FLOWERS. Well, can you say which one of these sort of concerns were predominant, perhaps, in your own mind, or which one did you consider to be the most predominant one in the White House?

Mr. DEAN. Well, sir, that would be an opinion and I can't—as far as my own mind, they all presented problems.

Mr. FLOWERS. Were there any other concerns besides these two major areas?

Mr. DEAN. I don't know. I frankly didn't know what else we should be worried about.

Mr. FLOWERS. I ask that, realizing that from almost before the dust had cleared at the DNC, and you had just returned from the Far East,

you as the representative of the White House were integrally involved in what to do about it.

Mr. DEAN. That was not new circumstance to some degree. I remember when the ITT hearings were going on, I happened to be in Paris at that time when they started and they called me back from Paris. In fact, when I first saw Haldeman when I returned from Manila, Mr. Haldeman made the comment, "Well, John, every time you go out of the country, something goes wrong." So I had been called back before to be involved in what they called these firefighting projects.

Mr. FLOWERS. Well, I guess what my problem is—and it has been a problem I have had in understanding this scene from the very beginning—is how, from at least what would appear to me to be such meager beginnings, we could have such a massive coverup. Is the only "seamy thing" that Mr. Hunt did at the White House the matter involving the break-in at Dr. Ellsberg's psychiatrist's office?

Mr. DEAN. I do not know. I have heard rumors which are not really worth repeating because I have no firsthand knowledge of them.

Mr. FLOWERS. I think that is what I would like to know, is what rumors you have heard, Mr. Dean.

Mr. DEAN. Well, you know, I feel reluctant to give those, because I have, you know, nothing other than rumors.

Mr. FLOWERS. I would judge it as a rumor, but that would help me understand the situation, quite frankly, and I would ask you to respond.

Mr. DEAN. Well, I heard that there were such things as bag jobs on the Chilean Embassy.

Mr. FLOWERS. By "bag job on the Chilean Embassy," what do you mean?

Mr. DEAN. That is the way it was described to me and I gather that is a breaking and entry and taking of documents.

Mr. FLOWERS. All right, sir.

Mr. DEAN. I was asked one time by a newspaperman if there was an assassination attempt on a South American leader by Hunt, and I said I don't have the foggiest notion about something like that.

In fact, when this came up, and it is evidenced in one of the transcripts, where the President was asking me about other things, I said, Mr. President, I don't know and I have never asked because I really don't want to know.

But I don't know what all was going on. I picked up piecemeal things like the Brookings Institute. That'd always kind of distressed me.

I was aware of the Huston plan, that there were no bounds on what they would do to get intelligence—things like this.

Mr. FLOWERS. Were there other things that you—

Mr. EDWARDS. The time of the gentleman from Alabama has expired.

Mr. Mayne?

Mr. MAYNE. Thank you, Mr. Chairman.

Mr. Dean, at the risk of being indelicate, did I correctly understand you on at least two occasions during your testimony to say that you were pregnant?

Mr. DEAN. I used that phrase.

Mr. MAYNE. P-r-e-g-n-a-n-t?

Mr. DEAN. I was pregnant with the coverup, as I think I started testifying, and where the phrase first came from, I said I was a reluctant lady at first and soon I was pregnant. That is what I was referring to by the time I destroyed the Hermes notebooks.

Mr. MAYNE. Thank you.

Now, I take it from your testimony that you were not present when Mr. Haldeman made his call to Mr. Mitchell on March 21 asking him to come down to Washington?

Mr. DEAN. No, sir, I have no recollection of being present.

Mr. MAYNE. You testified that when on the morning of the 22d of March, you met with Mr. Ehrlichman and Mr. Haldeman and Mr. Mitchell, Mr. Ehrlichman asked you, what about Mr. Hunt's problem, and you replied, "Ask the man who knows," and with a gesture indicated Mr. Mitchell, and that Mr. Mitchell said, "I don't think he has a problem anymore."

Mr. DEAN. I believe it is something to the effect, "I don't think that is a problem anymore," or something very close to that.

Mr. MAYNE. Well, now, did you report that at any time to the President?

Mr. DEAN. No, sir.

Mr. MAYNE. I yield back the balance of my time.

Mr. EDWARDS. Mr. Mann?

Mr. MANN. Thank you, Mr. Chairman.

Mr. Dean, reference was made to your conversation with the President on March, the morning of March 21, and I am referring to pages 121, et seq. of the transcript.

Mr. DEAN. I am sorry, I didn't hear the page.

Mr. MANN. 121.<sup>1</sup>

Mr. DEAN. 121.

Mr. MANN. I gathered from your testimony that you interpreted your statement about giving a signal as being a suggestion to the President that something less than money might do the job?

Mr. DEAN. That is correct.

Mr. MANN. Well, now, I am curious, then, as to how immediately following that—first we were talking about Colson, then immediately following that, we have the President asking how you would get money to somebody like Hunt and how you would raise the money. Did he not show any interest in your suggestion, or did he not understand it as such?

Mr. DEAN. He either didn't understand it or he rejected it.

Mr. MANN. I yield back the balance of my time.

Mr. EDWARDS. Without objection, Mr. Sandman will take his 5 minutes now, plus 2 minutes yielded by the gentleman from Maryland, Mr. Hogan—is that correct, Mr. Sandman?

Mr. SANDMAN. No, by Mr. Moorhead.

Mr. EDWARDS. By the gentleman from California, Mr. Moorhead.

Mr. Sandman.

Mr. SANDMAN. Mr. Dean, because I have a very brief time I hope you will give me very brief answer, yes or no wherever possible. I don't want to jeopardize your answer, but if you can say yes or no, do so.

<sup>1</sup> See p. 121 et seq.

From what I heard, it appears that you believed you were involved in this from the beginning, and as you testified, it grew like Topsy. Then you were in a situation where you testified you made payments that you thought were wrong and whatnot.

Then there was a meeting in the spring of 1973 where you requested or you said that you recommended that Mr. Mitchell be considered as the big fish who would be gobbled up and this would take heat off everyone, including the President. I think that was in March 22, was it, or 21st?

Is that accurate, that chronology?

Mr. DEAN. It is not quite accurate, because it had been discussed before that time. It had been kicked around. I don't believe it was my recommendation. It was something that I thought possibly would help, though, I must certainly admit to that.

Mr. SANDMAN. As I recall your testimony, you thought it was a good idea and when the idea fell through, you were disappointed.

Mr. DEAN. That isn't quite the way I testified. I think I said I expected on the morning of the 22d to see a rather spectacular confrontation. When that didn't occur, I was disappointed and surprised.

Mr. SANDMAN. All right. That happened on the 22d.

Now, the very next day, you have testified that you went to Camp David and stayed there until March 28, 1973, is that correct?

Mr. DEAN. That is correct.

Mr. SANDMAN. Now, here there is some question as to whether or not the President directed you to make a report on what had happened. As I understand your testimony, he told you to collect your thoughts, but did not request you to make a report.

Mr. DEAN. On the 22d, he suggested the Camp—well, first of all let me go back.

He had suggested on several occasions to me that I might enjoy a visit up to Camp David. This was not necessarily in the context of a report. On the afternoon of the 22d, when we were talking about a report, he suggests that I go to Camp David and do that. As I recall, I said I might do that, I might do it.

I would like to give you yes or no, but I think you ought to have the whole chronology here.

Then we went on to discuss other things about what I should be doing—getting ready to negotiate with the Senate committee, getting the Attorney General ready, getting a scenario as to how witnesses would appear and the like. I certainly didn't come out of that meeting with the impression that I was to go up to Camp David and write a report.

On the 23d—

Mr. SANDMAN. That is sufficient. The next point, Haldeman did direct you to write a report, though, didn't he?

Mr. DEAN. On the afternoon of the 23d.

Mr. SANDMAN. On the afternoon of the 23d.

Mr. DEAN. He said, while you are up there, why don't you work on a report?

Mr. SANDMAN. While you were up there, something might have happened, because you decided while you were there that you weren't going to give Haldeman or the President or anyone else a report, isn't this true?

Mr. DEAN. No, that is not totally correct. Something did happen up there, but that isn't totally what it is.

One, I realized that a lot of the things I was writing were not accurate, they were fictitious, that I was going to have my name on it, I was going to have to live with it, it was very likely I was going to be called before a grand jury. I had noticed before I went there that people were changing their testimony, particularly Ehrlichman when I talked to him. When I came down on the 27th, I had those documents with me and it was not until after—

Mr. SANDMAN. You had not given anyone those?

Mr. DEAN. Let me finish, please.

When I met with Haldeman, and he had been meeting with Mitchell and Magruder and there was discussion of going in to take care of Dean's testimony to get it in line with everybody else, I thought, well, goodness gracious, I'd better hang on to this document because it is my first collection of thoughts in some detail and rough notes and the like. So I decided at that point in time that I would not turn it over.

Mr. SANDMAN. All right. Now, were you still nursing on your disappointment that there was a refusal to throw Mitchell to the wolves?

Mr. DEAN. No.

Mr. SANDMAN. Which would have cleared you as well as the President, would it not?

Mr. DEAN. I am not convinced that that ever would have cleared the thing up at all.

Mr. SANDMAN. Yes, but you said in your own testimony that this would take the heat off everyone, including the President. And I distinctly remember Mr. St. Clair saying it would also take the heat off John Dean, and you said that is correct.

Mr. DEAN. Well, if I can correct one thing, I can't totally agree with your "throw Mitchell to the wolves" characterization. But as far as the theory of having Mitchell step up, I was never sure that that would solve all the problems.

I must admit that I, as others in the White House, engaged in sort of a mythical hope that this thing was some way going to go away and not bother any of us. And it was after I came back from Camp David that I realized indeed, and I think I have testified to this in the Senate, and particularly in my discussions with Dick Moore, that there was only one thing that was going to sell, and that was the truth.

Mr. SANDMAN. OK. Now, only 2 days later, according to your own testimony, on March 3, 1973, you decided you wanted to reveal everything.

Mr. DEAN. On what date?

Mr. SANDMAN. March 30, 1973, 2 days after you came back from Camp David.

Mr. DEAN. That is when I retained counsel.

Mr. SANDMAN. From the testimony you made here today, you said that is the date you decided to reveal everything. Did you say that or didn't you?

Mr. DEAN. I don't recall that in the testimony. I recall that is the day I retained counsel.

Mr. SANDMAN. All right, good enough. You retained counsel, then, on March 30, 1973.

Mr. DEAN. And understand why I wanted to retain counsel. I was not only worried about John Dean. No one there was a good enough criminal lawyer that they could assess everybody's problems. That is one of the reasons I went to Charles Shaffer, hoping, and I did this with him, to review everybody's problem. And we did that.

Mr. SANDMAN. All right. Next question.

On April 8th, according to your testimony, for the first time, you met with the U.S. Attorney, correct?

Mr. DEAN. I am sorry, I was talking to counsel and I didn't hear your question.

Mr. SANDMAN. From your testimony here today, on April 8th of 1973 was the first time you met with the U.S. Attorney.

Mr. DEAN. That is correct.

Mr. SANDMAN. All right. Now, did you discuss immunity for yourself with the U.S. Attorney on that date?

Mr. DEAN. I did not.

Mr. EDWARDS. The time of the gentleman has expired. Seven minutes by the clock.

Mr. MOORHEAD. I will yield the rest of my period.

Mr. EDWARDS. The gentleman is recognized for an additional 3 minutes.

Mr. SANDMAN. Now, around that time——

Mr. DEAN. I wonder if you could repeat the last question. It was left dangling. I really didn't answer it for you.

Mr. SANDMAN. I say did you, when you talked to the Attorney General on April 8th, discuss immunity for yourself? You said no.

Mr. DEAN. I said no. What I should tell you about that meeting is before I met with the U.S. attorneys, I called Mr. Haldeman.

Mr. SANDMAN. Hey, I am not interested in that. You said no and that is good enough.

Mr. DEAN. OK.

Mr. SANDMAN. Now, on the next point here, on that particular date, did you or did you not have a message delivered to Jack Anderson that you were prepared to deliver the President?

Mr. DEAN. I absolutely did not.

Mr. SANDMAN. And could not.

Now, after this particular rate, I notice you have great reluctance on admitting anything that does anything except involve the President.

Mr. DEAN. I cannot accept that characterization, I am sorry.

Mr. SANDMAN. That is your privilege.

Mr. DEAN. In fact, I did not even discuss with counsel——

Mr. SANDMAN. Look, let me say this: Bittman testified after 10 hours of questioning here that there was no talk of clemency. Was he lying? Yes or no.

Mr. SHAFFER. I object to the form of that question and ask that my client be relieved from making an answer as to whether any other person who testified out of his presence lied or told the truth.

Mr. SANDMAN. Well, the record can speak for itself.

You say Bittman was present when clemency was asked for Hunt.

Mr. DEAN. Not when I was present.

Mr. SANDMAN. I didn't hear you say that Bittman was present——

Mr. DEAN. I have never met Mr. Bittman in my life.

Mr. SANDMAN [continuing]. When clemency was discussed?

Mr. DEAN. I have never met Mr. Bittman in my life.

Mr. SANDMAN. At one date, you were personally notified that you were refused immunity. Were you or were you not?

Mr. DEAN. I was not.

Mr. SANDMAN. No other questions.

Mr. DEAN. Excuse me. May I correct that, please?

In the time you are talking about, I was not. It really was not decided until late October——

Mr. SANDMAN. Were you ever notified by the court that you were denied clemency, or denied immunity? That is a simple question; yes or no.

Mr. DEAN. By the court?

Mr. SANDMAN. By anybody.

Mr. DEAN. Yes; October 19, 1973, when I pleaded guilty.

Mr. SANDMAN. Thank you.

The CHAIRMAN [presiding]. Mr. Sarbanes?

Mr. SARBANES. Mr. Dean, did I understand that about midafternoon on March 20, 1973, you met with Mr. Ehrlichman and told him about the conversation you had had with Mr. O'Brien with respect to Mr. Hunt's demands?

Mr. DEAN. Yes sir, that is correct.

Mr. SARBANES. Now, was it subsequent to that that you then had a conversation with Mr. Krogh, that he stopped by your office and you commiserated with one another?

Mr. DEAN. That is correct.

Mr. SARBANES. Do you know whether Mr. Ehrlichman met with the President subsequent, on that day, to the conversation that you had with him?

Mr. DEAN. He told me he was going to meet with the President. I walked down the stairs with him. He was headed toward the Oval Office when I left him. I have every reason to believe, because the President, when I mentioned it that night on the telephone, didn't say no, John Ehrlichman didn't see me today. So I can only assume that the President and Ehrlichman did meet on that afternoon.

Mr. SARBANES. So that when you went home that evening and received the telephone call from the President and made reference to having talked to Mr. Ehrlichman, I gather—is that correct?

Mr. DEAN. That is correct.

Mr. SARBANES. Now, did Mr. Ehrlichman call you that night as well?

Mr. DEAN. He called me, yes; before I had gone home.

Mr. SARBANES. Oh, before you had gone home?

Mr. DEAN. Yes.

Mr. SARBANES. And was it in that conversation that Mr. Ehrlichman indicated to you that he had made references in that conversation which led you to think that he had talked with Mr. Krogh subsequent to your conversation with Mr. Krogh?

Mr. DEAN. That is correct.

Mr. SARBANES. Now, the next morning, the 21st——

Mr. DENNIS. Mr. Chairman, of course, it is hearsay, which is all right here, but instead of the witness' conclusions, can't we at least have what he says Mr. Ehrlichman said to him?

Mr. DEAN. I have already testified to that, Mr. Chairman, in some detail.

Mr. SARBANES. He testified to that earlier in the day and I just want to establish these conversations.

Mr. DENNIS. All right.

Mr. SARBANES. Now, the next morning, when you went to meet with the President, did I understand that Mr. Ehrlichman came out of the President's office?

Mr. DEAN. That is correct, he came out of the office. I was surprised to see him. In fact, he asked me a question that I immediately took in and raised with the President.

Mr. SARBANES. So at the time that you went in to see the President on the morning of March 21, having talked with Mr. Ehrlichman the previous afternoon, was it your impression or fixed in your mind that Mr. Ehrlichman had met with the President at least twice since the time you had talked with Mr. Ehrlichman on the afternoon of March 20?

Mr. DEAN. Yes sir, that is correct.

Mr. SARBANES. Thank you. I yield back the balance of my time.

The CHAIRMAN. Mr. Hogan?

Mr. HOGAN. Thank you, Mr. Chairman.

Mr. Dean, directing your attention back to the question asked you by Mr. McClory, where there was a dispute between the chairman and Mr. McClory as to whether or not the transcript of the staff was accurate in order to get on with the coverup plan or whether to get off the coverup plan, you had said that this was not a conversation related to executive privilege, that this was a general discussion of coverup. Was that your testimony?

Mr. DEAN. Well, I am taking your 5 moments to read that in context. I would rather answer the question as I have never listened to your tape and would defer to your Committee's judgment on what the tape says.

Mr. HOGAN. I am talking about what you said to Mr. McClory.

Mr. DEAN. I understand.

Mr. HOGAN. His question was not that conversation about executive privilege and you said no. But I would like to quickly read the testimony, the transcript as it relates to that before and after, starting on page 163 and going over before and after that: "Not executive privilege.

"Yeah, all right——

"In fact you have——

"Executive ——" and on all the way through. There is nothing else being talked about except executive privilege. And after that statement takes place, Ehrlichman says:

"And, as I told him, I'm, am so convinced we are right on the statement that I have never gone beyond that. He argues that we are being hurt badly by the way it's being handled and I'm willing—let's say——

"That's the point."

And they go on talking about executive privilege and Haldeman says:

"To the extent—and on legal grounds." The coverup they are talking about is executive privilege.



Haldeman says:

"That's where you look like you're covering up right now. That's the only thing, the only active step you have taken to coverup Water-gate all along."

The President says, "That's right."

Dean says, "What?"

Haldeman says: "Was that."

And the President starts and says: "Even though we have offered to cooperate."

Haldeman says: "To the extent—and on legal grounds and, and precedent."

Skipping down, Haldeman says "And tradition and constitutional grounds and all that stuff, you're just fine, but to the guy sitting home who watches John Chancellor say that the President is covering this up by re—, this historic review blankets the widest exercise of executive privilege in American history, and all that." And so forth. It is precisely the executive privilege that they are talking about in the context of coverup.

So my question is would you want to change the testimony you gave to Mr. McClory?

Mr. DEAN. Well, I would like to take the time to read this transcript myself. In the context it was raised, I thought it was a reference that this was to be synonymous with executive privilege. I defer to the judgment of the committee who can read these transcripts as well as I can as to the context it's raised in. If I was hasty in my answer, it's because I was trying to answer the question quickly.

Mr. HOGAN. All right, now, directing your attention to your responses to Mr. Railsback's question, my recollection is that you said that the famous March 21st comment, where the President says, get it in a way, in a way, and so forth, you did not feel that that was instructions from him for you to go out and do anything.

Then going on further to the transcript where, on the afternoon of the 22d, where the President asks, "Does anybody think that we will not do anything about the Hunt thing," and you indicate that, well, that is taken care of, or something to that effect, that LaRue and Mitchell—

Mr. DEAN. I don't believe I said it was taken care of. I think I said they are aware of Hunt's feelings.

Mr. HOGAN. The thrust of my question is this: Directing your attention back to that conversation, is it an accurate statement to say that the President still considered that an open question at that point when he was asking counsel as to whether or not something should be done about Hunt?

Mr. DEAN. Mr. Hogan, I cannot testify what was in the President's mind. I can only tell you what was in mine.

Mr. HOGAN. What was in yours?

Mr. DEAN. Well, that I was out of the money business and I was not going to take any action. I was merely reporting that Mitchell and LaRue knew what it was and they were in a position to do something.

Mr. HOGAN. But the conversation I am talking about is on the afternoon—

Mr. DEAN. I understand.

Mr. HOGAN. Of the 21st.

Mr. DEAN. The 21st.

Mr. HOGAN. When the President is still asking your advice and the advice of his other staff members as to whether or not this Hunt thing can be taken care of.

My question is isn't it a fact and does not your answer at that time indicate that this matter already had been resolved, that the conversation between you and LaRue and the conversation between LaRue and Mitchell, everything had already been taken, was in operation at that point?

Mr. DEAN. No sir. No sir, it does not. My reference is to the fact that I had not talked to them since we had talked last, I didn't know what they were going to do.

Mr. HOGAN. But your answer in response to the President's question is that this matter is taken care of.

Mr. SHAFFER. Where is the answer?

Mr. DEAN. I don't recall that at all.

Mr. HOGAN. On the afternoon of the 22d—

Mr. DEAN. 21st.

Mr. HOGAN. Afternoon of the 21st, right.

The CHAIRMAN. We will give the witness time to answer, but the time of the gentleman has expired.

Mr. HOGAN. Well, if I could direct the witness' attention to the bottom part of page 132 of the transcripts—133, I am sorry.

Mr. DEAN. 133.<sup>1</sup> It reads:

"Well, apparently, Mitchell and, and, uh uh."

Somebody unidentified says, "LaRue."

"LaRue are now aware of it so they know what he is feeling."

"True."

Now, I happened to listen to this segment of the tape and I heard there that unintelligible as "better do something."

"I, I have not talked with either. I think they are in a position to do something, though."

That does not say that they have done something. I didn't know what they had done. I had no idea whether it had been accomplished or not. In fact, I was quite surprised next morning when indeed I learned that it had been done. But it had not been done at my instruction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Chairman.

Mr. Dean, I am sure you may have, even more than the members of this committee, found it a very depressing experience to contemplate this whole long history from the Watergate to date. I find myself a little baffled as to how all this could happen. I wonder if you could tell us how you could account for the apparent willingness of you and others at the White House to carry out instructions involving unethical and sometimes illegal activity?

Mr. DEAN. Congressman, that is a matter of opinion—

Mr. SEIBERLING. I am asking you your opinion.

Mr. DEAN [continuing]. And speculation.

<sup>1</sup> See HJC Transcripts, p. 133.

Mr. SEIBERLING. I think that is helpful to us.

Mr. DEAN. I would like to be excused, if I might, from giving opinions. I really would.

Mr. SEIBERLING. Well, let me ask you this: During your career at the White House as a member of the staff, was there at any time any stress or emphasis placed on ethical standards or scrupulous compliance with the law by Mr. Haldeman or Ehrlichman or other people to whom you reported?

Mr. DENNIS. Mr. Chairman, I object to this.

The CHAIRMAN. I think the gentleman will have to rephrase that question. I don't think that is within the scope of this—

Mr. SEIBERLING. Mr. Chairman, I simply asked whether there was some kind of a code of ethics for members of the White House staff. Could you answer a question of that sort?

Mr. DENNIS. Mr. Chairman, I object to that. That is not relevant.

The CHAIRMAN. If he knows if there is a code of ethics—

Mr. SEIBERLING. If you think that is not relevant, you have missed the whole point of this hearing. If that is not relevant, what is?

Mr. DENNIS. That is not relevant before us. Neither is his opinion.

Mr. SEIBERLING. I have not asked for his opinion.

The CHAIRMAN. The committee will be in order.

Is the gentleman asking if the witness knows whether there was a code of ethics, a published code of ethics?

Mr. SEIBERLING. That is—

The CHAIRMAN. You can't ask him for an opinion.

Mr. SEIBERLING. I have asked him as a matter of fact whether there was a code of ethics established at the White House to his knowledge.

Mr. DEAN. There is a code that applies to all Federal employees. It is published in the Federal Register. There is a document that was released at the White House to all White House staff as to a code of ethics expected of Federal employees.

Mr. SEIBERLING. Thank you.

Could you tell us what your prime motivating factor was in carrying out your assignments as a member of the White House staff? What was your prime motivation?

Mr. DEAN. Do you have anything specifically in mind, or just generally my involvement in what has brought me to plead guilty to a criminal offense?

Mr. SEIBERLING. Well, what brought you to the events which caused you later to plead guilty?

Mr. DEAN. I would have to say a misguided sense of loyalty.

Mr. SEIBERLING. Would you be able to characterize the emphasis that was placed on conduct by the people from whom you received your instructions, specifically Mr. Haldeman and Mr. Ehrlichman and the President?

Mr. DEAN. I beg your pardon.

Mr. SEIBERLING. What was their prime motivation?

Mr. DEAN. I can't answer that, I'm sorry. That is an opinion. I just don't know.

Mr. SEIBERLING. In your opinion, is there a common thread running through the activities of the White House staff with which you were involved during your service there?

Mr. DEAN. I would like to defer or refer, I should say, the Congressman to my Senate testimony, where I tried, at the request of the Senate select committee, to show in an overview sort of the events and the attitude and problems that resulted in what I characterize as an inevitable result of a way of thinking and a way of acting and a way of proceeding. I think that first couple of pages of that testimony says it far better than I can summarize in the timespan to answer the question.

Mr. SEIBERLING. Thank you. That is really what I was trying to bring out. Can you offer any other statement for our benefit here on that subject?

Mr. DEAN. I would just offer that. I am offering facts. I think I am better off offering facts than I am opinions in the light of conclusions.

Mr. McCLORY. Will the gentleman yield?

The CHAIRMAN. The gentleman's time has expired.

Mr. SEIBERLING. I have no further questions.

The CHAIRMAN. Mr. Butler.

Mr. BUTLER. Mr. Dean, Mr. Bittman has advised us that there was an accident insurance policy upon the life of Mrs. Hunt in the sum of some \$250,000. Were you aware of that?

Mr. DEAN. Not until after the fact, when I heard of that.

Mr. BUTLER. By after the fact, you mean not until after all of the coverup money had been paid?

Mr. DEAN. No, no, after it became public at some time or one of the attorneys—Mr. O'Brien might have told me about it.

Mr. BUTLER. You were aware of that, then, in March of—

Mr. DEAN. Well, when the death occurred, yes.

Mr. BUTLER. All right, thank you.

My next question has reference to this unique biological phenomenon to which Mr. Mayne has referred. I take it from your use of this word that having found yourself a fallen man, your personal standards became somewhat demanding.

Mr. DEAN. I think that is true, yes.

Mr. BUTLER. My real question is this: At what point in time in your best medical opinion can you say conception took place?

Mr. DEAN. I would have trouble speaking in that vernacular. In retrospect, let's say that if I had stayed in Manila, I might not have been raped.

Mr. BUTLER. Well, that is a pretty good response. Would you judge that, because as soon as you got back from Manila or shortly thereafter, you became involved in what amounted to a coverup?

Mr. DEAN. Yes; I did.

Mr. BUTLER. Is it your feeling that that was the first instance in which, using the vocabulary which you have selected, would you say that conception took place at about that time, or were there some events prior to that that you personally wanted to coverup about yourself?

Mr. DEAN. No, sir, I would say that is when it happened, when I came back. I would say after I talked to Magruder and Strachan and Liddy, I was in.

Mr. BUTLER. Now, I did not feel that, when asked that question by Mr. St. Clair, "For whom were you covering up," I did not feel that you identified any persons or individuals.

Mr. DEAN. I was concerned that anybody—Mr. Mitchell, Mr. Ehrlichman, Mr. Haldeman, Mr. Strachan, Mr. Magruder—after I had

given recommendation that he be removed and he was on—I felt they were all vulnerable and I felt that it was my responsibility to assist.

Mr. BUTLER. You came to that view shortly after your return from Manila?

Mr. DEAN. Yes; I did.

Mr. BUTLER. But you personally—

Mr. DEAN. Pardon?

Mr. BUTLER. You personally had no involvement that you were personally covering up at that point?

Mr. DEAN. At the time I first met with Ehrlichman, I told him of my knowledge of the earlier meetings in Mr. Mitchell's office. I said, if that causes you any problem, it does not me. As far as I am concerned, I did in my own way what I could to turn it off. If it happened, I felt no legal responsibility for it. But if it was a matter that even was bad politics, I was prepared to account for myself and depart.

Mr. BUTLER. Mr. Chairman, I reserve the balance of my time and will yield it to Mr. Cohen when his time arrives, if I may.

The CHAIRMAN. The gentleman has a minute and 15 seconds remaining.

Mr. Danielson.

Mr. DANIELSON. Thank you, Mr. Chairman.

Mr. Dean, I direct your attention to page 11 of the committee's transcript of tapes.<sup>1</sup> Toward the bottom of the page there is a paragraph starting off with your name. Go down about six lines. Start off, and I'm going to read fast here to catch up:

But Patman's hearings, uh, his Banking and Currency Committee, and we have got to—whether we will be successful or not in turning that off, I don't know. We've got a plan whereby Rothblatt and Bittman who are counsel for the five men who were, or actually a total of seven, that were indicted today, are going to go up and visit every member and say, "If you commence hearings you are going to jeopardize the civil rights of these individuals in the worst way, and they will never get a fair trial, and the like, and try to talk to members on, on that level. Uh—"

PRESIDENT. Why not ask that they request to be heard by, by the Committee and explain it publicly?

DEAN. How could they—They've planned that what they're going to say is, "If you do commence with these hearings, we plan to publicly come up and say what you're doing to the rights of individuals." Something to that effect.

PRESIDENT. As a matter of fact they could even make a motion in court to get the thing dismissed.

DEAN. That's another thing we're doing is to, is—

PRESIDENT. Because these hearings—

DEAN. Bring an injunctive action against, uh, the appearance, say—

HALDEMAN. Well, going the other way, the dismissal of the, of the, of the indictment—

PRESIDENT. How about trying to get the criminal cases, criminal charges dismissed on the grounds that there, well, you know—

HALDEMAN. The civil rights type stuff.

DEAN. Civil rights—

Going on the rest of this testimony on page 12 relates to possibly even listing Gerald Ford to contact Mr. Patman or at least the Minority Members of the Banking and Currency Committee.

Then turn over, please, to page 15, about 2½ inches up from the bottom of the page.

HALDEMAN. Well, maybe Mitchell ought to—would, could Mitchell do it?

PRESIDENT. No.

<sup>1</sup> See "Transcripts of Eight Recorded Presidential Conversations."

DEAN. I don't really think that would be good.

PRESIDENT. No.

DEAN. I hate to draw him in.

PRESIDENT. Yeah.

DEAN. I think Maury can talk to Ford if that will do any good, but it won't have the same impact, of course, 'cause he's the one directly involved, but I think Maury ought to brief Ford at some point on, on exactly what his whole side of the story is.

HALDEMAN. I'll talk to Cook.

PRESIDENT. Oh, I—maybe Ehrlichman should talk to him. Ehrlichman understands the law, and the rest, and should say, "Now God damm it, get the hell over with this."

HALDEMAN. Is that a good idea? Maybe it is.

PRESIDENT. I think maybe that's the thing to do (unintelligible). This is, this is big, big play. I'm getting into this thing. So that he—he's got to know that it comes from the top.

HALDEMAN. Yeah.

PRESIDENT. That's what he's got to know,

DEAN. Right.

PRESIDENT. And if he (unintelligible) and we're not going to—I can't talk to him myself—and that he's got to get at this and screw this thing up while he can, right?

DEAN. Well, if we let that slide up there with the Patman Committee it'd be just, you know, just a tragedy to let Patman have a field day up there.

PRESIDENT. What's the first move? When does he call his wit—witnesses?

Mr. DANIELSON. All right. Are you referring at that time, was the subject of the discussion not the laundering of funds that went to Mexico and then back to Florida?

Mr. DEAN. That was one of the focuses of the Patman committee, that is correct, and we had no idea what they would unravel.

Mr. DANIELSON. That is the idea. You had no idea what they would unravel if they got into it, is that correct?

Mr. DEAN. If they got subpoena power and the like and got their investigators out, we would have another investigation we didn't know how to handle.

Mr. DANIELSON. It was a can of worms and you didn't know what was on the inside?

Mr. DEAN. That is right.

Mr. DANIELSON. Whose plan was it to have Mr. Rothblatt and Bittman go up and contact them?

Mr. DEAN. This was something given to me by Mr. O'Brien, I believe, that they had been talking to Mr. Rothblatt and Bittman. I had never had a contact with Rothblatt and Bittman. All those came through O'Brien and Parkinson.

Mr. DANIELSON. How do you know whether they had been talking to Mr. Haldeman or Mr. Ehrlichman?

Mr. DEAN. I do not recall. There is very little I don't report to them. What I reported—

Mr. DANIELSON. Mr. Haldeman was present, according to the record, in this particular discussion. Do you know the extent to which their plan was implemented? And I can state that the report of this committee will show Mr. Bittman acknowledges he was asked to do that, but he declined to do it.

Mr. DEAN. All right. As far as the plan to implement it, I have testified in some detail as to it, as to the plan to block the Patman hearings from ever convening where certain Republicans would not attend and certain Democrats would not vote or take a walk and the like.

Mr. DANIELSON. And that was the purpose of possibly eliciting the aid of Gerry Ford to prevail upon the minority members to take a walk, as you say, or not vote, as the case may be?

Mr. DEAN. That's correct.

Mr. DANIELSON. And now the purpose of that in turn was to try to put a hiatus on the investigation by the Patman Committee at that time?

Mr. DEAN. This connected us very much down there at the time.

Mr. DANIELSON. I am going to direct your attention to the earlier testimony relative to the IRS. Did Mr. Chotiner, Mr. Murray Chotiner himself hand you the list of the persons on the list?

Mr. DEAN. Yes, he did.

Mr. DANIELSON. Was anyone present besides you and he at the time?

Mr. DEAN. No, sir. He came into my office and handed them to me. I might add I have testified, I have testified to this in my debriefing sessions before his death also. I don't know if anyone talked to him before his death.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. Cohen is recognized for 6 minutes and 15 seconds.

Mr. COHEN. Thank you, Mr. Chairman.

Mr. Dean, to follow up the question by Mr. Danielson, I believe you indicated Mr. Chotiner was the one who formulated this so-called enemies list, is that correct?

Mr. DEAN. Well, it was a list of contributors and staff of the McGovern campaign.

Mr. COHEN. But the impression you left with this committee or with this member at least, was this was something that came about in September or prior to September of 1972, when in fact, you had been engaged for over, well over a year in formulating a sort of an attack upon political enemies, had you not?

Mr. DEAN. We had a lot of lists in our files which I had been able to keep in the files and nothing had ever been implemented on that plan, as I mentioned, with other than a few exceptions.

Mr. COHEN. Could I refer you to Book 4 of the Senate select committee, page 1689. There is a memorandum which doesn't indicate from whom or to whom—

Mr. DEAN. Yes, I am familiar.

Mr. COHEN. Is that yours?

Mr. DEAN. Yes, I am familiar with that memorandum.

Mr. COHEN. Did you prepare that?

Mr. DEAN. Yes. We never got the project coordinator for that project.

Mr. COHEN. I see. And later, as a matter of fact, on June 12, 1972, you have a memo from Charles Colson to John Dean about seeking some sort of retribution against Harold J. Gibbons. Was that ever carried out?

Mr. DEAN. That was not.

Mr. COHEN. Did you ever try to take any action to implement that?

Mr. DEAN. No, sir. No, sir.

Mr. COHEN. I noticed also there is a memorandum for Higby from John Dean whereby you are accumulating these various names for political activities I assume.

Mr. DEAN. They were collected in my file and——

Mr. COHEN. But no action was ever taken?

Mr. DEAN. Well, there was discussion of action, but I am only aware of the action that was taken against the Newsday reporters, which I testified to in the Senate.

Mr. COHEN. Are you aware of any action ever taken against Daniel Schorr of CBS or NBC?

Mr. DEAN. I am aware of the full field investigation which was ordered conducted on him.

Mr. COHEN. What prompted that?

Mr. DEAN. Well, Mr. Haldeman and Mr. Higby were traveling with the President. I believe they were in Denver and Mr. Higby got an instruction from Mr. Haldeman to call Mr. Hoover and to have such an investigation conducted.

Mr. COHEN. Was it for the purpose of determining whether he was qualified for a position with the administration?

Mr. DEAN. No, sir.

Mr. COHEN. Mr. Dean, you indicated on the morning of March 21, in response to the President talking about payment of money to Hunt, that he should be given some signal, and then you rather gratuitously offered the statement that in your opinion, other than the payment of money. What exactly do you mean?

Mr. DEAN. I was asked to interpret what I meant by some signal, and I can say what I meant, and meant what I said. If I would have said pay money, that would have been one thing. A signal was something that we had given to other people, and that one was one of the complaints of the defendants, that they were getting all signals and no cash.

Mr. COHEN. Was it a signal to let him know that money would be forthcoming?

Mr. DEAN. That is correct. Never just to buy time on.

Mr. COHEN. Well, this is the next question I had, and it does deal with the realm of opinion, Mr. Chairman. And I would like your opinion, and not that of the President. You were in a position of counsel to the President, is that correct?

Mr. DEAN. That was my title, correct.

Mr. COHEN. You did have some close contact, at least in the months from February on to March 1973?

Mr. DEAN. That is correct.

Mr. COHEN. And I want to know what your opinion was, based upon your conversation following March 21, as to whether or not the President either approved or acquiesced in the payment of money to Hunt for the purpose of buying time, as you just phrased it to figure out what you were going to do about it?

Mr. DEAN. I can't offer an opinion, I can only offer the facts.

Mr. COHEN. I am asking your opinion, not the President's.

Mr. DEAN. I understand and I say I have facts rather than opinion, that I knew that it had not turned down, but I had no instructions to do it.

Mr. SHAFFER. Mr. Chairman, since we have several other interrogations to go, I ask, as counsel to my client, so I can give him effective assistance of counsel, for you to please rule as to whether or not



we must give opinion testimony or not. We are not here as experts, we are only being paid the daily rate.

The CHAIRMAN. Well, I don't believe that the witness is compelled to give his opinion unless he can through some established fact, have some reason on which to base it.

Mr. COHEN. I believe there was a direct conversation with the President, as counsel to the President, on a matter we are very much concerned with.

Mr. DEAN. I think I have answered the question.

Mr. COHEN. All right, Mr. Dean. I won't press you on that. On June 19, you had a meeting with Mr. Mitchell, Mr. Magruder, Mr. Mardian, and Mr. LaRue and you were given a report, a report was given on the activities of the Committee To Re-Elect about the break-in, correct?

Mr. DEAN. As I have testified, I was never sure whether it was on the 19th or the 20th or both days but I recall arriving at the meeting there and there was discussion at the time I got there of the PR side of the situation.

Mr. COHEN. Let me ask you, on that evening, whatever evening it was, did Mr. Mitchell tell Mr. Magruder to have a fire?

Mr. DEAN. I have never been able to state recalling hearing that conversation for certain. I just don't have a clear recollection of it.

Mr. COHEN. All right.

When you were involved with the gathering of some facts for the purpose of an inquiry, I take it your testimony is that you were not really conducting an investigation, but rather for the purpose of containment, is that correct?

Mr. DEAN. That is correct.

Mr. COHEN. Now, were you acquiring—you had access to 302 forms, correct?

Mr. DEAN. Late in the game, I got 302 forms. The first time I got any information from the FBI was, of, I think the 21st of July. Subsequent to that, I received some of the 302 forms that dated way back and I scanned them and found them virtually useless.

Mr. COHEN. Did you show those 302 forms to anyone else?

Mr. DEAN. Yes, I did.

Mr. COHEN. To whom?

Mr. DEAN. Mr. Mardian, Mr. Parkinson, and Mr. O'Brien.

Mr. COHEN. I see.

After your meeting on or about June 19, with Mr. Mitchell, Mardian, and LaRue, did you then have a meeting with Mr. Haldeman on the following day?

Mr. DEAN. On the morning of the 20th?

Mr. COHEN. Yes.

Mr. DEAN. Yes, I believe there was a meeting that was conducted in Mr. Ehrlichman's office.

Mr. COHEN. Mr. Mitchell—

Mr. DEAN. Where Mr. Mitchell, Mr. Ehrlichman, and Mr. Haldeman—

Mr. COHEN. And Mr. Kleindienst?

Mr. DEAN. And Mr. Kleindienst came in.

Mr. COHEN. And discussed the break-in at that time?

Mr. DEAN. We discussed it—Mr. Kleindienst gave us a report as to the status of the investigation as far as he knew it. As I recall, he reported that Jerry Wilson had talked to him and he had talked to the FBI, that the FBI was going to take jurisdiction of the investigation. And I think he brought people up to date on what the Federal authorities and the District of Columbia authorities were doing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FROELICH. Mr. Chairman, I ask unanimous consent to yield 4 minutes to the gentleman from Maine.

The CHAIRMAN. Well, Father Drinan is next in line and unless—Father Drinan?

Mr. DRINAN. Thank you, Mr. Chairman.

Mr. Dean, in the Senate hearings you state once on page 1424 this:

I can only assume that everything I told Mr. Haldeman and Mr. Ehrlichman would be going to the President also.

Do you recall any departures from that assumption that you made in that testimony?

Mr. DEAN. No, I do not.

Mr. DRINAN. Did you observe Mr. Haldeman during the course of your service in the White House undertake any significant activity or enter a course of conduct without the knowledge or consent of the President?

Mr. DEAN. Did I see Mr. Haldeman or Mr. Ehrlichman—

Mr. DRINAN. Undertake any—no, just Mr. Haldeman, undertake any significant activity or enter a course of conduct without the knowledge or consent of the President?

Mr. DEAN. I just don't know because I don't know what Mr. Haldeman said to the President. I am sorry, I can't answer that. He didn't tell me he was doing something contrary to what the President said, and I would be very surprised if he did.

Mr. DRINAN. Do you ever know of any occasion when the President expressed to you that Mr. Haldeman in any serious manner had gone beyond the authorization which the President had extended to him?

Mr. DEAN. Did the President every say that to me?

Mr. DRINAN. No. Did you have any knowledge or see, or on any occasion, hear from any source whether the President had, in fact, expressed the view that Mr. Haldeman had exceeded his power?

Mr. DEAN. No, sir.

Mr. DRINAN. With regard to the question of so-called commitments, it was well known that Mr. Hunt was not exactly poor. He had the insurance money and a significant pension from the CIA. I would assume that the commitment centered more on clemency than perhaps we have realized up to this time.

Do you feel that Mr. Hunt did have basic convictions that was the cause of his persistent demands that he was, in fact, and had been, in fact, promised from the highest authority clemency?

Mr. DEAN. Well, I think you have got—Mr. Hunt is your best witness on that. I only know what transpired between the fact that they were given and how they were reported back after being given.

Mr. DRINAN. Well, on that question of being given, in the Senate Select Committee answer, again on page 1423, you are speaking and you said that you are speaking about talking to the President and you

said: "I said they are principally coming from Mr. Hunt," the demands and that he, the President got into the fact that Hunt had been given clemency. Would you just elaborate, because I have wondered about that "he got into the fact Hunt had been given clemency." Is that short-hand, or what was your understanding at that time and now as to the level of certainty with regard to clemency?

Mr. DEAN. Well, the tapes, of course, are the best evidence. I think you are referring to the conversation on the 13th in the Senate testimony?

Mr. DRINAN. Right.

Mr. DEAN. I think you will see in other transcripts references to Mr. Hunt's clemency, and in the documents you have before you, it was clear, it was clear to me from my conversations with Mr. O'Brien, Paul O'Brien, that Hunt was under the impression that he did have clemency and that apparently when the demands came in, that wasn't enough.

Mr. DRINAN. Thank you very much, Mr. Dean. I yield back the balance of my time.

The CHAIRMAN. Mr. Lott.

Mr. LOTT. Mr. Dean, did I understand you correctly this morning to testify that you did not talk with Mitchell after the morning meeting on the 21st?

Mr. DEAN. That I did not talk with—

Mr. LOTT. Did not meet or talk with Mitchell or LaRue?

Mr. DEAN. I have no recollection of talking to either one of them.

Mr. LOTT. When did you listen to this March 21 afternoon tape?

Mr. DEAN. When did I listen to it?

Mr. LOTT. Right.

Mr. DEAN. I listened to it, the first time I heard it, it was in the Special Prosecutor's office some time ago, when they were asking me to review them for any further corrections they gave me of matters that might be pertinent to their inquiry.

I, when I came up here, I raised the fact that I had heard the conversation on the afternoon of the 21st differently than it had been produced in the White House transcript. Mr. Doar and Mr. Jenner asked me how I had heard it, and I explained to them, and Mr. Doar and Mr. Jenner suggested that I come down and listen to their transcript on that very limited section of the tape. We did that. I went down and I told them what I had heard and your tape had much better fidelity than the ones I was listening to and I couldn't disagree but for one or two points and I think that these reflect what I heard.

Mr. LOTT. Thank you very much.

Now, at one point—

Mr. DEAN. Incidentally, there was some question as to whose voice it was regarding the reference to LaRue and Mitchell, and their knowing what his feeling is, and I was very, very able to identify that as my voice.

Mr. LOTT. All right, thank you very much.

Now, at one point today you testified in answer to questions by a member of this panel that the purpose of the coverup was to protect Haldeman and Ehrlichman. Earlier you had testified that you were convinced that no person in the White House was involved.

Mr. DEAN. No, sir. I think you have misconstrued my testimony.

Mr. LOTT. I want to get that straight, because I think there is a conflict there and which is it?

Mr. DEAN. I said that—I said that it was not only Haldeman, Ehrlichman, but Mitchell, Magruder, and anybody else who might have been involved that would cause embarrassment or problems for the President.

Mr. LOTT. In the break-in?

Mr. DEAN. In the break-in.

Mr. LOTT. That might have been involved?

Mr. DEAN. Well, it emanated not only from the break-in itself, but it emanated also from Hunt and Liddy's past activities. You see, the break-in created a problem in my mind because I didn't know how far it went into the White House. I wasn't investigating it. I didn't know if Haldeman, in fact, knew how many documents that Strachan had received and reviewed, he never did fully catalogue them for me. I didn't know how much advance knowledge he did or did not have. I only knew that literally we could all say that no one knew that there was going to be a break-in on June 17 in the Democratic National Committee headquarters.

Mr. LOTT. In your statement before, or in your opening statement before the Watergate Committee regarding the September 15 conversation, you commented, "The President then told me that Bob (referring to Haldeman) had kept him posted on my handling of the Watergate case."

Then also in your testimony there on page 1373, you say, "He (the President) said Bob has been reporting to me something of this nature."

Now, did you say that or not?

Mr. DEAN. Well, as I testified before the Senate, my mind is not a tape recorder. I am able to remember the gist of the conversation, the thrust of a conversation. When I read the entire transcript, obviously I don't find that in the transcript. And I can only say that there are numerous things in the transcript that very clearly give me that impression.

If you want my references to them, I will be happy to give them to you.

Mr. LOTT. Also, in that conversation in your statement, your opening statement, you make some comments about this matter would start to unravel, and then you use some words that it had been contained to the point that "I was not sure that it would be contained indefinitely."

Now, the tapes actually show that you say instead "Nothing is going to come crashing down to our surprise."

Mr. DEAN. I believe that occurred toward the end of the conversation and until—I feel that I must stand on my recollections until I am shown that it is incorrect by listening to the remainder of that tape.

Mr. LOTT. In your meeting on March the 22d with the President, did you tell him—I think you might have been asked this, but missed this—did you tell him—

Mr. DEAN. What was the date, please?

Mr. LOTT. March 21. You didn't advise the President that you, at any time then, or any other time, that you had shredded documents or destroyed evidence from Howard Hunt's safe, did you?

Mr. DEAN. No, I did not.

Mr. LOTT. Did you tell him you had directed John Caulfield to offer executive clemency to Mr. McCord?

Mr. DEAN. I think there is a reference to that. Let me check that.

Mr. LOTT. I don't think you will find it in the transcript of the March 21 conversation.

Mr. DEAN. I am talking about, let's take page 91,<sup>1</sup> talking about McCord and so forth, and I get into Caulfield and that's down just about the middle of the page, not quite the middle of the page.

"When Caulfield had him hired, he was a perfectly legitimate security man and he wanted to know, well, you know, well he wanted to talk about commutation and things like that. And as you know, Colson has talked to, indirectly to Hunt about commutation. All these things are bad in, in, in that they are problems, they are promises, they are commitments."

I did not—as in many instances I waited for the President to come back and question me further after I was giving him a general overview, so I——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEAN. That was totally not present.

Mr. LOTT. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Rangel.

Mr. RANGEL. Thank you, Mr. Chairman.

I would like to yield, after a couple of questions, to the gentleman from Maine.

But, directing your attention, Mr. Dean, to a conversation which you were involved in with the President on September 15, 1972, the President indicated that he had lost his little red box and directed you to find it. Did you find the little red box.

Mr. DEAN. No, sir.

Mr. RANGEL. Could you tell this committee what the little red box the President was looking for was?

Mr. DEAN. We don't know, or I don't know to this day what the little red box was. There was some press account of it. Mr. Haldeman had asked me to find out what the little red box was. I had asked Mr. Gray to find out what the little red box was and it wasn't until the second or the bug turned up on the phone in the DNC, that either had been undiscovered and missed by the investigators the first time they went through that we thought we had justification to go back in and ask everybody about the little red box. This appeared in the newspapers and everybody got quite excited about it.

Mr. RANGEL. What appeared in the newspaper about the little red box?

Mr. DEAN. The little red box appeared in a squib in the Washington Post.

Mr. RANGEL. What did they say about it?

Mr. DEAN. Not much, just that some little red box had appeared outside of the headquarters of the Democratic National Committee.

<sup>1</sup> See HJC Transcripts, p. 91.

Mr. RANGEL. And the President said, "The Bureau better get over pretty quick and get that red box?" I mean, he is not talking about something that is in the Washington Post, is he?

Mr. DEAN. Well, he knew more than I did, because I didn't know any more than what was in the newspaper.

Mr. RANGEL. And you took this up with the Federal Bureau of Investigation, Mr. Gray?

Mr. DEAN. Yes, sir, I did.

Mr. RANGEL. There is a little more to it than that, because—

Mr. DEAN. I think you will find a reference in there to Mr. Halde-  
man making some reference to the last public statement about it  
having been turned over to Edward Bennett Williams.

Mr. RANGEL. Yes, but it says, "She handed it over to Edward Ben-  
nett Williams." Who is she?

Mr. DEAN. Some woman who discovered it at the Democratic Na-  
tional Committee and I think the best source of this is to see if that  
is in some of the newspaper clippings back about that time.

Mr. RANGEL. But you don't know whether the President found  
the box?

Mr. DEAN. No; I do not.

Mr. RANGEL. On February 28, 1973, the President gave some idea  
what he thought about informers and he said:

Either way, either way, the informer is not wanted in our society. Either way,  
that's the one thing people do sort of line up against.

And you agreed. And he continued:

They say, well, that son-of-a-bitch informed, and I don't want him around. We  
wouldn't want him around, would we?

Was the President talking about informers that could have been  
on the White House staff?

Mr. DEAN. I don't believe that was the reference. Was that not, did  
that not come up in the context of Mr. Felt?

Mr. RANGEL. Yes; it was.

Mr. DEAN. Yah.

Mr. RANGEL. But he was talking about Mr. Felt of the FBI and  
also Mr. Chambers. But, my real question is: Has the President ever  
expressed any feeling to you as to how he felt about informers that  
were White House employees?

[Short pause.]

Mr. DEAN. I can't say that he has had a direct conversation other  
than that one with me. I felt his effect of his desire not to have some-  
body talk when he placed in his April 17 statement that no member of  
the White House staff would be granted immunity.

Mr. RANGEL. I yield the balance of my time to the gentleman from  
Maine.

The CHAIRMAN. The gentleman has another minute and 4 seconds  
remaining.

Mr. COHEN. I thank the gentleman for yielding.

Mr. DEAN, on September 15, 1972, when you had the conversation  
with the President, he praised you and said you have done a good job  
in plugging leaks. What leaks had you plugged?

Mr. DEAN. I think that was a vernacular-type phrase, that, you  
know, something would pop up here, something would pop up here

and I would plug the hole and plug the hole here.

Mr. COHEN. But what was popping up, I guess is what I am getting at? What was popping up and you were pushing down?

Mr. DEAN. Well, all hell was breaking loose from time to time and we would just get it back in shape.

Mr. COHEN. Well, let me ask you this, going back the President also talked about, in the same conversation, did they find the first bug. You have indicated just a moment ago that the President probably had more knowledge about this than you did, with respect at least to the red box. He mentioned first bug. Now, is that the original bug that was placed in the DNC prior to the break-in?

Mr. DEAN. I think, if I am not correct, Mr. Haldeman raises the matter of the bug in the transcript, not the President.

Mr. COHEN. Well, in the presence of the President, at least.

Mr. DEAN. In the presence of the President, yes; and the President asked some questions about what it is?

Mr. COHEN. Well, let me go back. You were aware of the two Liddy plans that had been proposed and rejected, according to you; is that correct?

Mr. DEAN. Never approved.

The CHAIRMAN. The time of the gentleman has expired.

Ms. Jordan.

Mr. FROELICH. Wait a minute, Mr. Chairman.

The CHAIRMAN. Oh. That was Mr. Rangel's time. I am sorry.

Mr. Froehlich.

Mr. FROELICH. I yield my time to the gentleman from Maine.

The CHAIRMAN. All of your time?

Mr. FROELICH. Yes.

The CHAIRMAN. The gentleman is recognized for another 5 minutes.

Mr. COHEN. I want to come back, Mr. Dean, to some of the examples of the things that you did during that interim period between June 17. [Material unrelated to testimony of witness deleted.]

Mr. COHEN. Would you tell us what you did, for example?

Mr. DEAN. We are talking about June 17?

Mr. COHEN. Through September 15.

Mr. DEAN. I think the best evidence on that, and I am happy to sit here and repeat it, is in my Senate testimony. I will go through it chapter and verse, but I am not sure I can do it in 5 minutes and I am not sure that I can do it justice in just highlighting and going through it in the few minutes you want me to answer the question.

But, I think the record evidence is what it is.

Mr. COHEN. I will accept that for the moment. With respect to contacts with the CIA and Mr. Helms, as I recall; is that correct?

Mr. DEAN. No, Mr. Walters.

Mr. COHEN. Mr. Walters, I am sorry. Did you seek to curtail the scope of the CIA or to impress the CIA with the need to curtail the scope of the FBI investigation?

Mr. DEAN. No, that was not my assignment. My assignment was if they could help raise bail and support and assistance of these people through using their own covert funds. That was something I learned subsequently, and very much subsequently.

It wasn't until, during the Senate hearings, that I learned of the substance of those conversations.

Mr. COHEN. Coming back to White House jargon, what does the phrase "cut the loss" mean?

Mr. DEAN. Cut the loss means to have the criminal problem fall at the lowest possible level.

Mr. COHEN. Are you familiar with the June 30, 1972, transcript that's been published, the conversation between the President and Mr. Mitchell?

Mr. DEAN. No, I am not.

Mr. COHEN. But, that phrase, as used in your presence, was to minimize the spread of the cancer, is that a correct phraseology?

Mr. DEAN. The cancer phrase is one that I developed on the 21st.

Mr. COHEN. That can stay in?

Mr. DEAN. It is not a pleasant term, but it was descriptive and to cut the loss phrase was one that emerged very early on in discussing the liability.

Mr. COHEN. I think that is all, I yield back the balance of my time.

The CHAIRMAN. Ms. Jordan.

Ms. JORDAN. Mr. Dean, in your meetings and conferences with the President, would you say that the President was in charge, or was he rather nondirective?

Mr. DEAN. Well, of course, that calls for a conclusion and my own impression and I can only give my—I thought that the President was in charge.

Ms. JORDAN. I have no further questions.

The CHAIRMAN. Mr. Maraziti?

Mr. MARAZITI. Thank you Mr. Chairman.

Mr. Dean, on March 21, 1973, you had a conversation with the President in which you said, do you recall this statement, "The reason I thought we ought to talk this morning——"

Mr. DEAN. I am sorry, I can't hear, Congressman. I am having trouble hearing.

The CHAIRMAN. Mr. Maraziti, will you please use the mike?

Mr. MARAZITI. I thought I was.

Mr. Dean, I will begin again. On the March 21, 1973 transcript, did you recall this conversation with the President in which you said——

Mr. SHAFFER. Could we have the page? <sup>1</sup>

Mr. DEAN. Go ahead, sir.

Mr. MARAZITI. "The reason that I thought we ought to talk this morning because in the conversation I had the impression that you don't know everything I know, and it makes it very difficult for you to make judgments that only you can make on some of these things."

And then he goes on; "in other words, I had to know why you feel we shouldn't unravel something, and talk about we have a cancer within." Is that the first time you mention the problem to the President?

Mr. DEAN. No, sir.

Mr. MARAZITI. When did you mention the problem before?

Mr. DEAN. Well, you have on the record the fact that I raised that with him on the preceding evening, that I thought that he ought to understand the implications of everything. There were other conversations. The conversation on the 27th where I tried to tell him I had a problem.

Mr. MARAZITI. 27th of what?



Mr. DEAN. Of February. And I think that the other tapes are going to be the best evidence of some of the conversations that I had that are only——

Mr. MARAZITI. Well, why would it be necessary for you to bring it up if you told him before?

Mr. DEAN. Well, because, based on the fact that there was now another demand on the White House and the fact——

Mr. MARAZITI. Excuse me just a moment. You mentioned a term White House. Well, will you mention an individual or individuals. You can't make demands on a building.

Mr. DEAN. Yes, I understand. The fact that there had been a demand sent to me threatening Ehrlichman, called to my attention that I should call to the President's attention that it was now time to stop paying, to stop covering up, because we had not been acting properly and I thought it was time to go in and lay that out.

Mr. MARAZITI. Well, you were satisfied that the President did not have the information and for that reason you went into very explicit detail in that conversation, talking about the facts?

Mr. DEAN. I did not presume to know everything that his other advisors had told him. I felt that when I dealt with the President, I gave, you know, so and so, and so and so. I went in and said here is what I am going to tell you, and that was my approach. That's the way I raised it the night before.

I made reference to the fact that Ehrlichman had been down to see him. I didn't make Ehrlichman was down to see you about Hunt. I said before you make any further judgments, to look at the whole picture and the implication of that picture, because I thought we had to talk about criminal liabilities or individuals in the White House and I wanted to get the President thinking in these terms.

Mr. MARAZITI. Well, you had the impression that he didn't know everything? Those were your words, were they not?

Mr. DEAN. Well, if you remembered, those were the words of the preceding evening and I think you will see what I was saying, and as I testified before the Senate.

Mr. MARAZITI. On the question of executive privilege, is it your opinion that the President was not waiving executive privilege in your case?

Mr. DEAN. When, sir?

Mr. MARAZITI. Well, at March 31 or 21, 1973?

Mr. DEAN. Well, I think the President made a number of public statements about whether Dean would or would not appear and he was ready to test executive privilege in the courts on Dean at one time and, in fact——

Mr. MARAZITI. On April 15, 1973——

Mr. DEAN. On April 15.

Mr. MARAZITI. Or 16th?

Mr. DEAN. 16th.

Mr. MARAZITI. Is it your opinion he would not waive executive privilege on your behalf?

Mr. DEAN. He told me I should not talk about——

Mr. MARAZITI. Well, did he or didn't he?

Mr. DEAN. I think the transcript speaks for itself. He says you won't talk about those Presidential conversations.

Mr. MARAZITI. If I read to you, in the conversation of April 16, 1973, and ask you if you recall "The President, one other thing on this privilege thing, nothing is privileged that involves wrongdoing."

Mr. SHAFFER. Mr. Chairman, could I please have the page. My client may know it, but he needs effective assistance of counsel.

The CHAIRMAN. Would you identify the page, Mr. Maraziti?

Mr. MARAZITI. I am reading from the Presidential transcript on page 802, the April 16, 1973, transcript.<sup>1</sup> And it is only three or four lines. I can read it slowly, and I think we can save time that way.

"One other thing——"

The CHAIRMAN. Well, the time of the gentleman has expired. I will give the gentleman time to answer the question. The witness will answer the question.

Mr. DEAN. I don't think the question was ever posed.

Mr. MARAZITI. Well, the question, Mr. Chairman—thank you, Mr. Chairman, was simply this, did he recall this statement and I was on the verge of furnishing it when counsel properly asked you for a reference. With your permission, Mr. Chairman, I will finish the question.

Do you recall this statement by the President, "one other thing on this privilege thing, nothing is privileged that involves wrongdoing."

Mr. DEAN. that is correct.

The PRESIDENT. On your part or the part of anyone else. I am telling you now that when you testify, if you do, to say that the President told you that. Would you do that. Would you agree to do that?

Mr. DEAN. Yes, sir.

Do you recall that?

Mr. DEAN. I recall that the President in that conversation said that, as he did the preceding evening, that I wasn't to talk about anything that involved the President. He was talking about anything that involved me, myself, that he didn't consider to be executive privilege. He was also talking, as I perceived it, as the public relations side of this, and I told him I didn't really, I didn't plan to get into any Presidential conversations and I didn't care what he said publicly.

The CHAIRMAN. The time of the gentleman has again expired. Mr. Thornton?

Mr. THORNTON. Thank you, Mr. Chairman.

Mr. Dean, I believe at one point during your testimony, you described yourself as a firefighter and referred a conversation with Mr. Haldeman relating to a time when you had been called back from Paris because of something happening. Is that correct?

Mr. DEAN. That was the Kleindienst hearing with regard to his confirmation, which I shorthanded as the ITT hearings.

Mr. THORNTON. With regard to that reference, were you given an assignment, a task to perform in connection with that hearing?

Mr. DEAN. Well, when I came back, Mr. Colson had already taken charge, and I was given some assignments to go to the Director of the FBI and take the Dita Beard memo over, and get the lab to take a testing on it to see whether it was a valid or invalid memorandum and assignments of that nature. I was also asked to liaison with the ITT people which I didn't end up doing. Somebody else ended up doing. I was also asked to have somebody on my staff monitor the

<sup>1</sup> See HJC Transcripts p. 197.

hearings, which we did, and report back as to what was going on in the hearings. We were, I would have to say, at best on the fringe. Mr. Ehrlichman assigned one of the people in my office to collect all of the papers in the White House relating to ITT, and that was done, and they were filed in my office. So, I can't really say I was in charge or had a task, but I was certainly involved periodically in the discussions and in the problem.

Mr. THORNTON. This assignment was made by Mr. Ehrlichman or Mr. Haldeman or both?

Mr. DEAN. It was made by Mr. Ehrlichman, but Mr. Colson was really given the charge of the operation.

Mr. THORNTON. And I believe—

Mr. DEAN. And Colson and I didn't see eye to eye on everything, and so I can't really say I participated in it to any full degree.

Mr. THORNTON. With regard to the conversation you had with Mr. Haldeman, I believe you testified he said that every time you left the country you had to come back or something like that? I am not trying to paraphrase or put or use your words, but do you recall such a comment being made?

Mr. DEAN. Yes, I do.

Mr. THORNTON. In what time did this conversation with Mr. Haldeman take place?

Mr. DEAN. This occurred, as I recall it, was made on the morning of June 20, 1972, when I first saw him. He had been in Florida. I had been in the Far East and he made this comment cryptically and in a humorous vein at that time.

Mr. THORNTON. And did you regard that as an acknowledgement or as a direction that you should become involved in tasks in connection with the problem which was then before you?

Mr. DEAN. No. I took it as a jab at my junket.

Mr. THORNTON. Well, Mr. Dean, I want to ask you whether in connection with your employment as counsel to the President, did that job character remain basically the same throughout your tenure at the White House, or were there changes in the character?

Mr. DEAN. The job changed. I started out as a solo man and slowly built fairly substantial staff. We did what we considered as we ran a small law firm in the White House and until this all happened we were proud of what we had done. We thought we gave good advice, we turned off some crazy schemes and, of course, all of that seems forgotten now. And I can only say that fortunately nobody else in my staff has any involvement in this and I held it to myself and carried it that way so I think the rest of the staff can be proud to have worked there.

Mr. THORNTON. Mr. Dean, I thank you for your testimony and I yield back the balance of my time.

The CHAIRMAN. The committee will recess for 10 minutes.

[Short recess.]

The CHAIRMAN. The committee will come to order. And I will recognize the gentleman from Pennsylvania who reserved his time, Mr. Eilberg.

Mr. EILBERG. Mr. Chairman, I would like to yield my time to the gentleman from Michigan, Mr. Conyers.

The CHAIRMAN. Mr. Conyers.

Mr. CONYERS. I thank the gentleman for yielding to me. Mr. Dean, did you at any time ever attempt to conceal the facts of Watergate from the President of the United States?

Mr. DEAN. No, sir. Whenever I was asked a question I answered the question. I think there were times that I didn't walk in every time and volunteer everything that might be on my mind, but rather I was responsive to any inquiry he ever made.

Mr. CONYERS. Thank you. Did you ever attempt at any time to conceal any of the facts or identification of the parties involved in the coverup from the President?

Mr. DEAN. No, sir.

Mr. CONYERS. Was it your view that the President needed little or no advising in this area?

Mr. DEAN. Well, I felt strongly at a couple of points that I had to advise him. I thought, one, I had to advise him of my own involvement very early on when on the 27th of February, when I first started reporting to him, he turned me around on that, that that was something I shouldn't worry about. I felt I had to advise him that the coverup might not hold up forever, and I recall doing that on two occasions, the end of the conversation of the 15th of September. And again on the next time I saw him, on the 27th of February.

Mr. CONYERS. Excuse me, Mr. Chairman. Can we have order, please?

The CHAIRMAN. The committee will be in order.

Mr. DEAN. I thought that I had to advise him my reaction as to how to handle the matter of Mr. Hunt's demand when that came in and I was having direct communication with him that he should understand the broadest implications of all of this before he made any judgments. So, I would say that I did feel at times that it was my duty to offer my counsel.

Mr. CONYERS. Thank you, sir. I have one further question. I think you have previously testified that as far as you knew, Mr. Haldeman never exceeded his authority in giving instructions or directions in his capacity in the White House. Does that apply to Mr. Ehrlichman and yourself as well, sir?

Mr. DEAN. I can speak with regard to myself. I remember reading a reference in the press once that I had apparently—Mr. Kleindienst said that I had used the President's name all over the place. I did not do that until the President specifically told me to use his name with Mr. Kleindienst, and then quite regularly I was using the President's name. Before that—first of all I knew Mr. Kleindienst too well to be presumptuous enough to go over there and tell him the President said something when that wasn't the fact. I have no—I can only speak for myself but I cannot recall doing anything I felt was exceeding my authority or the understanding of the directions I had been given by superiors.

Mr. CONYERS. Thank you.

I don't have any further questions.

The CHAIRMAN. Mr. Latta.

Mr. LATTI. Mr. Dean, I learned this afternoon that you became aware of this coverup operation shortly after you came back from Manila. Is that correct?

Mr. DEAN. That is correct.

Mr. LATTA. Well, then why on the 16th of April 1973, more than or almost a year later did you respond to the President thusly and you might want to follow this and this is on page 192 of these hearings.<sup>1</sup>

The PRESIDENT. But you remember when you came in I asked you this specific question: "Is anybody on the White House staff involved?" You told me "No."

Mr. DEAN. That's right. And I have no knowledge—

Now, how does that square with what you have just told me?

Mr. DEAN. It squares perfectly, Congressman. We are talking—

Mr. LATTA. Explain how that squares.

Mr. DEAN. It squares because the reference there is to pre-June 17.

Mr. LATTA. Where is the reference?

Mr. DEAN. Well, you would have to have been party to the conversation to understand it, but I think if you read it through you will see that that is a reference to pre. Certainly that was my first impression when I read it and it was my recollection of the conversation.

Mr. LATTA. Now, did you make some testimony here today that on the 25th of March, 1973, that the President turned you around on this question of paying Hunt's attorney's fees and the support payments?

Mr. DEAN. Yes, sir.

Mr. LATTA. Well, how does that square with your testimony that you gave before the U.S. Senate, and I might refer you to page 1423, and you said, and I quote:

The money matter was left very much hanging at that meeting. Nothing was resolved.

Mr. DEAN. I think I have been asked that question several times today.

Mr. LATTA. Well, I am asking it again because I didn't get the answer once.

Mr. DEAN. Well, the answer is quite clear that the reference in the Senate testimony was to raising of \$1 million and the raising of the money which was left very much hanging. As far as the question of whether there would be payments, I had the impression that, one, I had not convinced the President that that should not be done; two, that he had persuaded me that it was something that was going to be done but, three, I had no responsibility for it.

Mr. LATTA. Now, going back to your trip or your arrival from Manila when you first learned about these demands for money, you were at that time counsel to the President. So you testified here. Don't you think it would have been appropriate at that time, as soon as you found out about that, to have gone right in to the President and reported that to him?

Mr. DEAN. Senator, I am sure you are very familiar—

Mr. LATTA. Don't put me in the other body.

Mr. DEAN. Excuse me. Congressman, I am sure you are familiar with my Senate testimony.

Mr. LATTA. I have it before me. I am sure.

Mr. DEAN. And that question came up on numerous occasions. Mr. Talmadge asked me, several people asked me that very question as to well, why didn't you just walk into the President's office. You just didn't do that. I went through Mr. Haldeman if I wanted to see the President and I wasn't presumptuous enough to do that. The other

<sup>1</sup> See HJC Transcript p. 192.

thing is I was asked, well, why didn't you just open the door. And my answer in the Senate would be as it would be today that, well, there are a lot of Secret Service men standing around that office and you don't just go barging in.

Mr. LATTA. You could have gone to Mr. Haldeman and gotten in, couldn't you?

Mr. DEAN. Mr. Haldeman and I were talking about the very problem.

Mr. LATTA. And he said you couldn't talk to the President on a matter of this importance?

Mr. DEAN. He was talking about how to deal with the problem, not how to get the information to the President.

Mr. LATTA. Now, speaking about Mr. Haldeman, you said in answer to a query by the gentleman from Michigan that Mr. Haldeman never exceeded his authority. Did you know everything Mr. Haldeman did in the White House?

Mr. DEAN. I think I qualified that answer.

Mr. LATTA. How did you qualify it? I think you better qualify it.

Mr. DEAN. I didn't know what Mr. Haldeman and—what Mr. Haldeman's relationship was with the President, so I couldn't say—I could only in answer to the very broad question say I had no knowledge that he ever had.

No one ever brought it to my attention.

Mr. LATTA. But you didn't know everything that Mr. Haldeman did in the White House, and as a consequence you don't know for sure whether he exceeded his authority or not?

Mr. DEAN. That is correct.

Mr. LATTA. Now, in answer to a question by Ms. Jordan—

Mr. DEAN. I don't know that he did or did not is the answer.

Mr. LATTA. In answer to a very general question that the President was in charge or something to that effect you answered "yes." You didn't mean to leave the implication at the time of this break-in that he was in charge of directing the break-in or at the time of the coverup that he was in charge of the coverup?

Mr. DEAN. That was not the question, Congressman.

Mr. LATTA. It was a general question, as I stated initially so we are not including that in the very general question and you answer that he was in charge?

Mr. DEAN. I did not draw any specifics from that general question. I was asked a general question and gave my answer.

The CHAIRMAN. The time of the gentleman has expired. Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman. Mr. Dean. I would like to refer your attention to a conversation you had with the President and Mr. Haldeman on March 13, 1973, and especially pages 47 and 48 of our committee transcript in which you had a discussion with Mr. Haldeman about the need to make Mr. Colson an unpaid consultant, and there was some reference about drawing up a piece of paper that would show that he was a consultant as of March 10 and backdating that piece of paper, is that correct?<sup>1</sup>

Mr. DEAN. That is correct.

Ms. HOLTZMAN. In substance. Now, to your information, was any such piece of paper drawn up?

<sup>1</sup> See HJC Transcripts, pp. 47-48.

Mr. DEAN. I believe it was.

Ms. HOLTZMAN. Can you tell me who did it and when to the best of your information?

Mr. DEAN. I can only tell you that if there is such a document or was such a document there would have been a record of it. It was to be something to be put in the personnel office or to be kept in Mr. Kehrl's office. Mr. Colson was very concerned that that be done and he was concerned about the extent of his coverage.

Ms. HOLTZMAN. I don't mean to interrupt, Mr. Dean. I just want to know if you have any information about who did draw up such a piece of paper?

Mr. DEAN. No; I don't.

Ms. HOLTZMAN. Or the date of such?

Mr. DEAN. No. It would have been about this time that it was done.

Ms. HOLTZMAN. Thank you. I would like to refer your attention next to a political matters memorandum that was sent by Mr. Strachan to Mr. Haldeman on February 1, 1972. And on page five of that memorandum there is a statement that "John Dean summarized and intelligenced the evaluation committee report on the demonstrations planned for the Republican National Convention in San Diego." Do you recall preparing a memorandum for Mr. Haldeman regarding the summary of the intelligence evaluation committee's report on these planned demonstrations?

Mr. DEAN. I recall one of the members of my staff, Mr. David Wilson, prepared such a document and that was a regular practice to do.

Ms. HOLTZMAN. Now, the Intelligence Evaluation Committee was a result of the Huston plan, is that correct?

Mr. DEAN. Well, it was a first step in the Huston plan and that is as far a step as it ever went. And I am unaware of any illegal activities by the Evaluation Committee.

Ms. HOLTZMAN. Now, on this Intelligence Evaluation Committee there were representatives of the CIA and the FBI, is that correct?

Mr. DEAN. That is my understanding, yes.

Ms. HOLTZMAN. And did they engage in any other political activities like this, to your knowledge, such as doing reports on planned demonstrations for Republican Conventions? Did they ever engage, to your knowledge, any other political activities?

Mr. DEAN. When I, after, shortly after my meeting with Mr. Haldeman in 1971, I called the head of the Evaluation Committee over to my office and told him that we would like to have the Evaluation Committee be up on all types of demonstrations that might have any impact on the campaign. And I think there were probably numerous such documents and there would be a record of those documents that were sent to our office.

Ms. HOLTZMAN. And the campaign that you are referring to is the campaign for the reelection of the President, President Nixon?

Mr. DEAN. For the reelection of the President, that is correct.

Ms. HOLTZMAN. And would such memorandum be in your files in the White House regarding any such political evaluations in connection with the President's campaign?

Mr. DEAN. I don't know what's in my files today. I know Mr. Wilson and before that Mr. Caulfield who received those documents sent them all to the central files, I believe.

Ms. HOLTZMAN. Did you customarily, when you received reports from this Intelligence Evaluations Committee regarding any planned demonstrations in connection with the President's reelection campaign, did you as a practice forward such reports or summaries to Mr. Haldeman?

Mr. DEAN. Yes. If they seemed to merit his attention. There was a decision made as to whether it was significant or not.

Ms. HOLTZMAN. Thank you very much, Mr. Dean. I don't have any further questions, Mr. Chairman.

The CHAIRMAN. Mr. Owens.

Mr. OWENS. Mr. Dean, I want to ask you an unusual type question, perhaps for the hearing today. I have a bunch of question, otherwise I will ask you.

But I would like to ask you whether there is any information, of which you have first-hand knowledge, facts, data, which you think are relevant to this committee's consideration, and which you have not revealed either to the Senate Select Committee or to us today? Are there other facts that you think that ought to come before this impeachment inquiry that have not been offered in response to questions, either before the Ervin Committee or this one?

Mr. DEAN. Now that is a difficult question for me to answer, because I have always had the concern that there are things in my mind that I cannot recall. From time to time, I have had documents presented or things said or read transcripts that have brought other things into my mind.

Mr. OWENS. But you have nothing in your mind, nothing in your mind this evening?

Mr. DEAN. No, sir.

Mr. OWENS. Of that nature?

Mr. DEAN. No, sir. I do not.

Mr. OWENS. Mr. Chairman, would it be appropriate to extend to Mr. Dean the option of offering an affidavit to this committee subsequently if he should think of anything?

Mr. DENNIS. Mr. Chairman, I would certainly object to that, at least unless we let every other witness we have had have the same opportunity, I think, and the right to examine and cross-examine. Now, we are taking testimony here today. Now, the idea of allowing these witnesses to come in and file anything ex parte afterwards that they—

Mr. OWENS. I would rather not waste my time arguing. I am just asking if it is appropriate.

The CHAIRMAN. Well, I think in light of the fact that the witness is here and subject to questioning, it would be improper for him to submit statements ex parte.

Mr. OWENS. OK, I accept that.

To your knowledge as a member of the White House staff, were you ever aware of anything, any significant fact or information which Mr. Haldeman shielded from the President which, in your opinion, did the President a disservice or should have gone to the President?

Mr. DEAN. I don't believe I can testify to that, because I was not always privy to—

Mr. OWENS. I understand that. I said was there anything of your knowledge that Mr. Haldeman ever kept from the President which,



in your opinion, was a piece of information which the President ought to have? And I am not just talking about Watergate?

Mr. DEAN. No.

Mr. OWENS. I am talking about anything to your knowledge within the knowledge of the White House staff.

Mr. DEAN. To the contrary, I have always had the impression from my discussions with Mr. Ehrlichman and Mr. Haldeman both that they were informing him of things I was passing along.

Mr. OWENS. And you know of no specific item. That was my question.

Mr. DEAN. There is nothing in my present recollection of that nature, no.

Mr. OWENS. All right. I refer you to the committee transcript of the conversation of March 21 amount. At the end, as I read the President's final instruction, there seems to have been a plan—the plan seemed to have been in part aimed at asking Mr. Kleindienst to get Judge Sirica to delay sentencing of Mr. Hunt, which was scheduled for 2 days later. Were you aware of anyone ever following up on that?

Mr. DEAN. No, sir. No, sir, I was not.

Mr. OWENS. You know of no contacts of Mr. Kleindienst or any contact between Mr. Kleindienst and Judge Sirica in that regard?

Mr. DEAN. No.

Mr. OWENS. Or of the President following it up in any other way?

Mr. DEAN. I have no knowledge of it.

Mr. OWENS. Did anyone else ever tell you about the payment—perhaps you have testified to this, but did anyone else ever tell you about the payment of \$75,000, other than just the reference you made earlier to Mr. Mitchell's reassurance the next morning?

Mr. DEAN. No, sir. I didn't learn of what the dollar amount was until many, many, many months later.

Mr. OWENS. Did you learn that it had been taken care of from any source other than reference to Mr. Mitchell on the morning of March 21?

Mr. DEAN. No; I did not.

Mr. OWENS. Let me refer you to Mr. Haldeman's testimony before the Senate select committee. It is page 2901, but I don't know which—it is 7, SSC, 2901. Mr. Haldeman deals with a conversation he had with you on March 26 by long-distance phone. You were at Camp David. And he was referring to the problem of blackmail and he says this on page 2902:

"Then there was a problem of blackmail to the White House directly. He"—meaning you as I read it—"He said there were two instances of that. One, Mrs. Hunt called Colson's secretary and said something about a demand for money. The other was Hunt's the preceding week." Presumably the preceding week to March 26.

Do you know, do you have detail as to what instance he is talking about, Mrs. Hunt's conversation with Mr. Colson's secretary?

Mr. DEAN. Yes; this either preceding—I am not sure whether it was preceding or simultaneous with or shortly after the conversation which occurred approximately on November 13, 1972, when Mr. Colson received a call from Mr. Hunt, and that call was recorded by Mr. Colson, in which he was saying that, well, we have gone along with this thing

long enough and the cheapest commodity is money, now let's do something about it, and I am going to lay this memorandum on Parkinson's desk on Monday, whatever it was—I am being very general in my characterization of it.

About this time, in this time frame, Mrs. Hunt was calling Joan Hall, who is Mr. Colson's secretary, calling her at home, calling her at the office, and the like. She asked Colson, he told her to come to me after she explained to him what was going on, and I told her, don't take the calls.

I went to O'Brien and asked Mr. O'Brien, I said, "This is absurd to have these calls coming in here," and Mr. O'Brien proceeded to get the calls turned off.

Mr. OWENS. Was money paid as a result of that?

Mr. DEAN. Well, it was not as a result of it. Well, it was a culmination of the conversation that Colson received directly and the increasing demands of Mrs. Hunt, and then ultimately in December, early December, the money was paid.

Mr. OWENS. By whom and how much?

Mr. DEAN. That was paid, that was the first bite of the apple, as the term is referred to in my discussions with Mr. Haldeman of the money that was in his custody. Mr. Sloan took the money to Mr. LaRue and Mr. LaRue made the arrangements.

Mr. OWENS. Did you say how much?

Mr. DEAN. I don't know. It was between 40 and 70. I just don't know what the precise dollar amount was.

Mr. OWENS. Fine. Thank you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. Mezvinsky.

Mr. MEZVINSKY. Mr. Dean, you have testified with regard to the activity regarding the use of IRS. Were you aware at the time when you were asking for this information that this could be a violation of a Federal statute, that it could be a felony?

Mr. DEAN. No sir, that was not in my conscience at the time.

Mr. MEZVINSKY. Where did you get, in your mind, the authority to ask for this information? Did you feel that the authority came directly from the President?

Mr. DEAN. Not in the first instance, no; I didn't. I felt my—I felt as a result of my meeting on September 15 that I had to go back and talk to Johnnie Walters again and see if there could be something done.

Mr. MEZVINSKY. Did you then feel that after September 15, your authority came from the President?

Mr. DEAN. Yes, sir, I did.

Mr. MEZVINSKY. Now, you mentioned the McGovern list and the enemies' list. Do you have any information as to any other individuals that may not be classified as enemies—namely, friends? Mr. Rebozo? Are you familiar at all—did you have anything to do with the activities with IRS regarding Mr. Rebozo?

Mr. DEAN. With regard to IRS, I do not recall having any dealings in Mr. Rebozo's behalf; no.

Mr. MEZVINSKY. With John Wayne? With Billy Graham?

Mr. DEAN. Yes; I do. I recall requesting information that was asked of me. I think there are exhibits that I submitted to the Senate.

By the time I got the information, I got a note back from Mr. Halde-  
man's office that this has already been taken care of.

Mr. MEZVINSKY. This is regarding Billy Graham?

Mr. DEAN. Yes; and I think John Wayne also. I am not sure.

Mr. MEZVINSKY. And John Wayne also.

Was it your understanding that when you did this, this was at the  
behest of the President?

Mr. DEAN. I can't presume that understanding. I just didn't know.

Mr. MEZVINSKY. Now, the other matter, you mentioned just in pass-  
ing—I just want to understand what knowledge you have—regarding  
the signing of the President's tax returns. What role did you have at  
all with that, Mr. Dean?

You just said you exited the people in and he signed the returns.  
Do you have any information or knowledge you can give the com-  
mittee regarding the matter of the President's tax returns and the  
signing thereof?

Mr. DEAN. No, sir; I would say I was the exiter in and the exiter out  
and not the preparer or the custodian of any information that related  
to them. That was done by Mr. DeMarco in the Kalmbach-DeMarco  
firm.

Mr. MEZVINSKY. Regarding the tax matter that has just been re-  
vealed today regarding a news reporter for the Washington Star-News,  
did you, regarding that particular use of IRS, again, you were involved  
in that?

Mr. DEAN. I don't know what the reference is.

Mr. MEZVINSKY. I am sorry. Mr. Doyle, James Doyle—I mean James  
Polk.

Mr. DEAN. Polk?

Mr. MEZVINSKY. Yes. Mr. Polk and the use of IRS after an article  
that he wrote regarding Mr. Kalmbach. Are you aware of that?

Mr. DEAN. I have a general awareness. I think I turned those docu-  
ments, everything I knew about it, over to the Select Committee. What-  
ever I know was a result of Mr. Caulfield's efforts in that behalf and he  
would be your best witness.

Mr. MEZVINSKY. OK. I have one last question which is separate from  
the tax.

We have Patrick Gray's Senate Watergate testimony which indi-  
cates that between June 23 in 1972 and July 6 in 1972, you made several  
phone calls to him urging that the FBI not interview Kenneth Dahl-  
berg and Manuel Ogarrio. Can you tell the committee if you made these  
phone calls and if so, why?

Mr. DEAN. Well, I don't dispute Mr. Gray's testimony. I would have  
to look specifically at the testimony to refresh my recollection as to  
what he is referring to. I do recall conversations with Mr. Gray about  
the problem. I recall going to his office and asking him what he was  
going to do with them and requesting whether he could slow down and  
things of this nature, which I think I have already testified to some of  
these things.

Mr. MEZVINSKY. Were you at all concerned as to what could arise in  
case Mr. Dahlberg and Mr. Ogarrio were in fact brought to the atten-  
tion of the FBI?

Mr. DEAN. I was aware that there was great embarrassment on the  
fact of Dahlberg, because he was really just fronting for Duane An-

dreas and this caused Mr. Stans great concern. It caused Mr. Mitchell concern. I reported it to Mr. Haldeman and Mr. Ehrlichman and they seemed to have concern, and also some knowledge about it.

As far as the Ogarrio check, I only knew that—and that is sheer speculation on my part, because they were not explicit with me—that it was a corporate contribution and that Mr. Allen had an awful lot of problems as a result of it and personally was going to have to cover for it and things of this nature.

Mr. MEZVINSKY. And was it the worry that it could be traced to the Committee to Reelect the President? That is the obvious problem.

Mr. DEAN. Well, yes, yes; but I was also told that this money was not money that had really involved the Watergate. It was not the money that Liddy had used.

Now, whether that is true or false, I don't know to this day. I just know what I was told.

Mr. MEZVINSKY. I have no further questions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEZVINSKY. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Dean, I just have a couple of questions. Would you kindly refer to the committee print of the transcripts of this hearing, to the September 15 transcript on page 15? This makes reference to conversations that were between you and the President and Haldeman and it has reference to the Patman hearings. I read through here, and without imposing on the committee, because they have it before them, a tremendous concern, and I think when I use the adjective "tremendous," I think that it probably does not in any way, I think, exaggerate that there is tremendous concern on the part of the President and Haldeman and yourself concerning those hearings and the developments of those hearings. And throughout, there are some expressions by you as to developments and the possibilities of developments. What were your concerns?

Mr. DEAN. Well, I don't think they were mine alone, because I had conversations with Mr. Haldeman about this, I had conversations with Mr. Timmons, I had conversations with Mr. Stans, I had conversations with Mr. Mitchell, I had conversations with Mr. Ehrlichman. Their witness list looked like a very great threat if they got—that was one problem, the people they might call.

The second was their subpoena power. If they could get their investigators out in the field, we were very concerned as to what they might stumble into. This was another investigation that we were just concerned would get out of control and could possibly unravel what was being tied into a tight little ball.

The CHAIRMAN. Outside of what is in these transcripts or in this transcript in particular, were there any other conversations regarding actions that were to be taken or which were communicated to you by any of the individuals involved in this particular conversation?

Mr. DEAN. Yes; there were. I had extended conversations with Mr. Timmons where he was working on getting votes that would cut the hearings off. His name was on the witness list which gave him an incentive to even have a greater interest in the problem. He—I had a number of conversations with Mr. Mitchell. Mr. Mitchell was having dealings with members of the New York delegation and was counting

noses there and had certain votes of assurance. I had a fairly accurate nose count before the day they voted whether to hold hearings or not and the White House knew that we had turned enough votes around that we would have it under control.

Now, I am not saying—when I say this, I am not saying that the members were fully aware of why the White House was as concerned as we were.

The CHAIRMAN. Well, the White House in particular, the individuals who are named here. Let me read you some conversations.

On page 15.<sup>1</sup>

PRESIDENT. Well, the game has to be played awfully rough. I don't know—Now, you, you'll follow through with—who will over there? Who—Timmons, or with Ford, or—How's it going to operate?

HALDEMAN. I'll talk to Bill. I think—Yeah.

DEAN. Dick Cook has been working.

Then on page 16, the President :<sup>1</sup>

I think maybe that's the thing to do [unintelligible]. This is, this is big, big play. I'm getting into this thing. So that he—he's got to know that it comes from the top.

HALDEMAN. Yeah.

PRESIDENT. That's what he's got to know.

DEAN. Right.

PRESIDENT. And if he [unintelligible] and we're not going to—I can't talk to him myself—and that he's got to get at this and screw this thing up while he can, right?

Then down below :

PRESIDENT. Right, just tell him that, tell, tell, tell Ehrlichman to get Brown in and Ford in and then they can all work out something. But, they ought to get off their asses and push it. No use to let Patman have a free ride here.

DEAN. Well, we can, we can keep them well briefed on moves if they'll, if they'll move when we provide them with the strategy. And we will have a raft of depositions going the other way soon. We will be hauling the, the O'Briens in and the like, and uh, on our abuse of process suit.

Mr. DEAN. That latter part is a reference to something else. It goes some into the civil suits after that.

The CHAIRMAN. Outside of what is in here, did you have any further conversations with regard to the Patman inquiry with the President or with Haldeman?

Mr. DEAN. No, I had—well, with Haldeman and Ehrlichman. I had conversations with Henry Petersen where Henry Petersen would write a letter to the committee explaining the Delaney case.

The CHAIRMAN. In an effort to close off the Patman hearings?

Mr. DEAN. To close off the Patman hearings; that is correct.

The CHAIRMAN. The timekeeper tells me my time is up.

Mr. DEAN. Excuse me. If I can completely answer the question.

Mr. Petersen tells me there was a legitimate argument why they should not. And that fit right into the pattern if he would write that letter, which he felt strongly about, that would help the cause of the White House.

That was another subject.

The CHAIRMAN. Well, all the time has expired and the witness is excused.

We want to thank you for coming here.

<sup>1</sup> See HJC Transcript p. 15.

Mr. JENNER. Mr. Chairman, may I ask just a few questions?

The CHAIRMAN. Two questions.

Mr. JENNER. I ask the committee and the witness to turn to page 122 of the tapes transcript. In the top paragraph, Mr. Dean, the third sentence, reading "Apparently Mitchell has talked to Pappas"—this is you speaking—"and I called him last night—John asked me to call him last night." Who is the John? Who is the John to whom you are referring there?

Mr. DEAN. That first John is John Ehrlichman asked me to call Mitchell the preceding evening, on the 20th.

Mr. JENNER. And that sentence goes on, "John asked me to call him last night after our discussion."

Is that your discussion with Mr. Ehrlichman?

Mr. DEAN. That is correct.

Mr. JENNER. "And after you'd met with John."

To whom are you referring with the use of the word "you'd", y-o-u-'-d?

Mr. DEAN. That must be to Mr. Haldeman. I just can't be certain. I would like to read it in context. It is very difficult just to pick out that sentence and get the feel of the conversation.

Mr. JENNER. We are having trouble with the antecedents here of pronouns. Would you look at it and explain the sentences, the clauses?

Mr. DEAN. I was addressing the President at this time, because I remember addressing to him about the call to Mitchell and the, regarding the Grecians bearing gifts, so that would be the President I was referring to, "you'd."

Mr. JENNER. The y-o-u-'-d, you were addressing that to the President?

Mr. DEAN. That is right.

Mr. JENNER. And the "you'd" refers to the President himself, is that correct?

Mr. DEAN. That is correct.

Mr. JENNER. And you are saying that the President met with John Ehrlichman to see where that was? Is that what you are saying now?

Mr. DEAN. That is what that sentence says, yes.

Mr. JENNER. And when you say, "And I, I said, have you talked to, to Pappas", to whom are you referring there?

Mr. DEAN. Mr. Tom Pappas.

Mr. JENNER. No, I'm sorry. To whom are you addressing that remark, is my question.

Mr. DEAN. "And I said have you"—that is a reference to Mitchell—"talked to Pappas." He was at home and Martha picked up the phone so it was all in code. "Did you", in reference to Mitchell, "talk to the Greek."

"And he said," reference to Mitchell, "Yes, I have", I being Mitchell.

And I said, Dean, "Is the Greek bearing gifts." He, Mitchell, said, "Well, I want to call you tomorrow on that."

Mr. JENNER. Did you ever have any conversation with Mr. Mitchell about the matter subsequently that next day or any day following as to whether he had called Mr. Pappas to seek funds?

Mr. DEAN. No, I didn't, because by that time, these referred—we had had several previous conversations about Mr. Pappas and his ability to assist in raising money. And really, after the 21st, or the meeting of the 22d, the two meetings we had, all day meetings, I didn't see Mr. Mitchell for some time.

Mr. JENNER. I have no further questions, Mr. Chairman.  
Thank you.

The CHAIRMAN. Thank you.

Thank you very much, Mr. Dean.

The witness is excused.

Mr. MCCLORY. Mr. Chairman, I ask unanimous consent that the scope of the testimony of John Dean III be released.

[Material unrelated to testimony of witness deleted.]

The CHAIRMAN. Without objection, it is so ordered.

We will recess until 10 o'clock tomorrow morning.

[Whereupon, at 8:35 p.m., the committee recessed to reconvene at 10 a.m., Friday, July 12, 1974.]

